MAY 1978/$1.75

California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

JARVIS:

placing a lid on spending

or

opening Pandora's box?

SPECIAL
PROPOSITION SECTION

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Personal

PERSPECTIVE

By Ed Salzman

The closed-door policy

It was ironic that an incumbent, Superintendent of Public Instruction Wilson Riles, was almost victimized by the state's complex candidate-qualification procedures. Perhaps the main reason the system involves a variety of forms and signature requirements is that those who write the election laws have a vested interest in protecting incumbents against outsiders who might wish to challenge the establishment. The assumption is that those who now hold office have the knowledge and resources to comply with the requirements and that those on the outside might well be put off by the quantity of gobbledegook.

If somebody wants to seek office, he or she should be given all possible assistance to meet the requirements. Under the current system, the burden falls on the individual to fight through the maze of legalities in order to qualify. Some election officials go out of their way to help prospective candidates; others obviously do not.

By placing Riles' name on the ballot despite a technical deficiency, the state Supreme Court was saying, in effect, that a paperwork slipup should not stand in the way of a candidacy under a democratic system of government. But the court also noted, quite properly, that Secretary of State March Fong Eu did the right thing in denying Riles a place on the ballot. She doesn't have the right to waive the law; but the court apparently does.

The Riles case should make legislators wonder whether in some future year a member of the club will be left off the ballot because the court will not be so generous. There are obvious ways that the election laws could be simplified so that the system is more democratic and so that a future Riles incident cannot occur. Here are a few suggestions:

- *Reduce the number of documents required* from each candidate, and simplify them.
- *Do away with filing fees*, and establish a reasonable number of signatures required for each office. Just enough signatures should be required to prevent individuals from putting their names on the ballot for ego-satisfaction purposes without any evidence of good faith.
- *Establish a dual-deadline system.* The first one would be for the basic filing of documents. Election officials would then check them. Candidates would be notified if there are deficiences and then given perhaps 48 hours to meet the second deadline. This would eliminate a future Riles problem.
- *Eliminate the residency requirement.* Candidates now are often forced to lie about their real domiciles in legislative races. There is no residency requirement for Congress and there is no problem. The important thing is that the people know where somebody really lives. Opposing candidates will use the carpetbagger issue if it is valid.
- *Require that counties report the names of candidates* to the Secretary of State immediately upon qualification. The public — and especially other prospective candidates — shouldn't have to wait until way past the last deadline to know who is running for which office and what political opportunities remain open.

California Journal

THE MONTHLY ANALYSIS
OF STATE GOVERNMENT AND POLITICS

Volume IX, Number 5 May 1978

PRESIDENT AND PUBLISHER
Thomas R. Hoeber

EDITOR
Ed Salzman

ART DIRECTOR
Jan Castle

ASSOCIATE EDITOR
Alice Nauman

WASHINGTON CORRESPONDENT:
Leo Rennert

CONTRIBUTING ARTISTS:
Donna Rivers, Steve Greenberg.

CIRCULATION MANAGER:
Barbara Aguirre

STAFF: Hope Tuttle, Dorie Runyon, Caroline Landry

CALIFORNIA JOURNAL is a non-ideological analysis of California government and politics published monthly by the California Center for Research and Education in Government, a non-profit, tax-exempt corporation. Publication is assisted by grants from the Columbia Foundation, Ford Foundation, Levi Strauss Foundation, Natomas Company, Stella B. Gross Charitable Trust, and Wright Charitable Trust.

BOARD OF DIRECTORS

EUGENE C. LEE, Chairman, director of the Institute of Governmental Studies, Berkeley.
LOU CANNON, western bureau chief, *Washington Post*, Los Angeles.
JUDSON CLARK, California Research, Sacramento.
DORMAN L. COMMONS, president, Natomas Company, San Francisco.
HOUSTON I. FLOURNOY, dean, Center for Public Affairs, University of Southern California, Los Angeles.
THOMAS R. HOEBER, publisher, *California Journal*, Sacramento.
HAROLD KEITH, Investments, Beverly Hills.
ROSELLEN KERSHAW, past president, California Division, American Association of University Women, Fresno.
MELVIN B. LANE, president, Lane Publishing Co., Menlo Park.
DONALD G. LIVINGSTON, secretary and director of public affairs, Carter Hawley Hale Stores, Inc., Los Angeles.
EDWIN MEESE III, attorney, La Mesa.
YOLANDA NAVA, news reporter, KTXL-TV Channel 40, Sacramento.
MARCEL B. POCHE, Superior Court Judge, Santa Clara County.
MADELEINE H. RUSSELL, former Democratic national committeewoman, San Francisco.
VAINO SPENCER, Superior Court Judge, Los Angeles.

COUNSEL: Conrad Lee Klein.

Subscription rates: Libraries and Governmental Agencies, $30; Corporations and Associations, $50; Special Individual Rate, $18.

Copyright 1978 by California Center for Research and Education in Government, 1617 10th Street, Sacramento, California 95814. Telephone: (916) 444-2840. Second-class postage paid at Sacramento.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Memo to top executives of auto rental firm Number One: You won't stay Number One if you treat many customers the way you treated Senator Alan Cranston on a recent visit to Sacramento. Cranston reserved a car, but when he arrived you didn't have one available for him. And if you have any bills pending before Congress . . .

Cranston, incidentally, is predicting that if Jerry Brown should wound President Carter in the early 1980 primaries, Senator Ted Kennedy (as well as Senators Daniel Moynihan of New York and Gary Hart of Colorado, among others) will jump into the race.

***Journal* writer makes good:** Last month's issue contained an article on the 1984 Los Angeles Olympics by one Larry Baer of Berkeley. In early April, Baer became, at 20, the youngest play-by-play baseball announcer in major league history, landing the contract to broadcast Oakland A's games over a 10-watt University of California student station.

Lobbyist of the year award goes to Les Howe of the California Retailers Association, who devoted 15 years of his working life to elimination of the business inventory tax and finally finished the job this year (unless Proposition 13 passes).

A decade or so ago, a young Assembly staffer, John Simons, drove the drug manufacturers crazy by pushing a series of proposals designed to reduce the cost of prescriptions. He returned to Massachusetts to work for the state and pick up a law degree. Now he's back in California — working the other side of the street as vice president of the California Pharmaceutical Association.

Another Assembly staffer of that era, Glenn English, apparently didn't see much of a political future for himself in California. He returned home to Oklahoma and ran for Congress. The incumbent Republican took a stand against flood control funds. The rains came, and English is now in Congress.

It had to happen: There is now an organization called The American Legislative Consultants Association.

Table of CONTENTS

Primary Preview

What will the June election mean to Governor Brown, the GOP, the Chicano community and women in politics? The Journal *offers three views:*

For whom the polls toll 141
By Ed Salzman
Missing: a Chicano candidate 143
By Ray Gonzales
Escaping the chauvinist cellar 148
By Susan Littwin

The rating game 146
By David Morgan and Joan Reiss
Scorecards from eight special-interest groups provide one way to compare legislators' rhetoric and voting records.

O'Key to the Suitt case 151
By Robert B. Tucker
An FPPC lawsuit is making politicians nervous about using legislative staffers on the campaign trail.

Special Section:

PROPOSITION ANALYSIS

Jarvis-Gann is the last and most important of 13 propositions on the June ballot. The Journal *offers background and arguments on all of them in this special supplement.*

'Black Wednesday' 153
By Tony Quinn
Even if Jarvis-Gann passes, the political establishment knows how to ignore or destroy initiatives it doesn't like.

Touring the Governor's office 156
By Cynthia Roberts
Who sits where and does what for how much pay – here's an inside look at Jerry Brown's executive suite.

Deals they can't refuse 159
By Robert Feinbaum
Some corporations call it blackmail, but the tradeoffs of "mitigation" are solving major development problems.

Steve Greenberg 140
Capsules 162
Courts 165
Newsmakers 162
Double cross 163
Roll call 164
Charting the issues 166
Rennert 167

The Jarvis box on the cover was constructed by Jan Castle and photographed by Evan Nossoff.

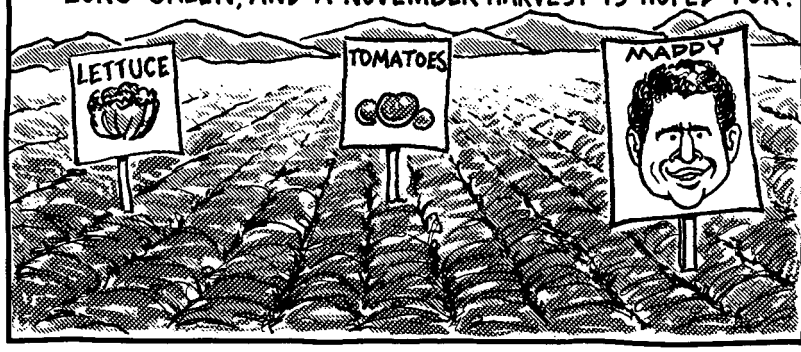
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CAN ANYONE BEAT "KID" BROWN?
WILL THE REPUBLICANS AT LAST FIND...

The GREAT RIGHT HOPE

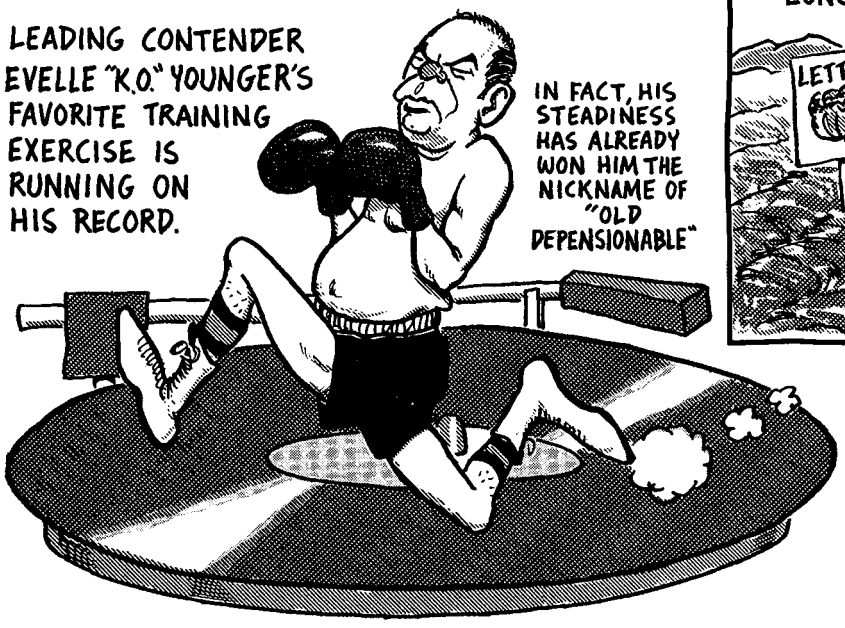
"KID" BROWN FACES HIS FIRST TITLE FIGHT IN FOUR YEARS. THERE'S A SPLIT PUBLIC DECISION AS TO WHETHER HE'S THE HEAVYWEIGHT, OR MERELY LIGHTWEIGHT, CHAMP.

KEN "SUGAR RAY" MADDY IS AGRIBUSINESS' LEADING CROP. HE'S BEEN FERTILIZED WITH PLENTY OF LONG GREEN, AND A NOVEMBER HARVEST IS HOPED FOR.



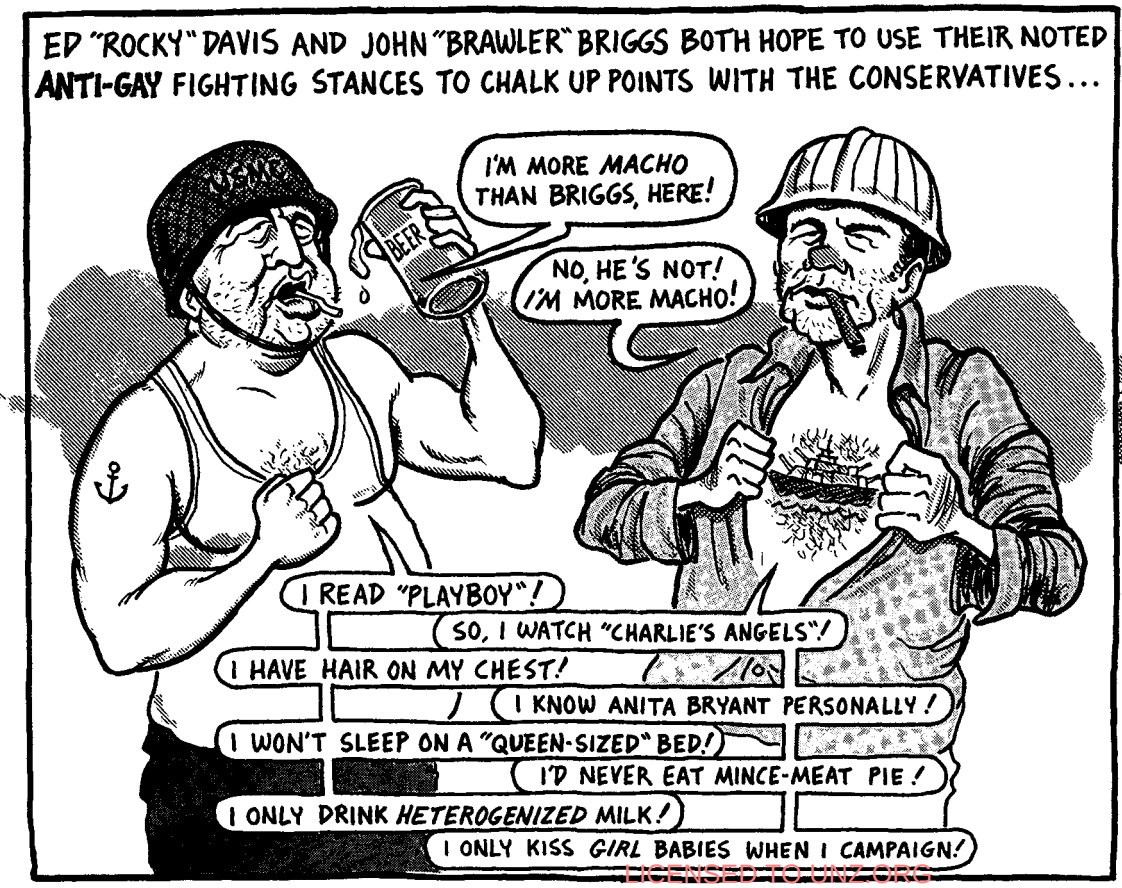
LEADING CONTENDER EVELLE "K.O." YOUNGER'S FAVORITE TRAINING EXERCISE IS RUNNING ON HIS RECORD.

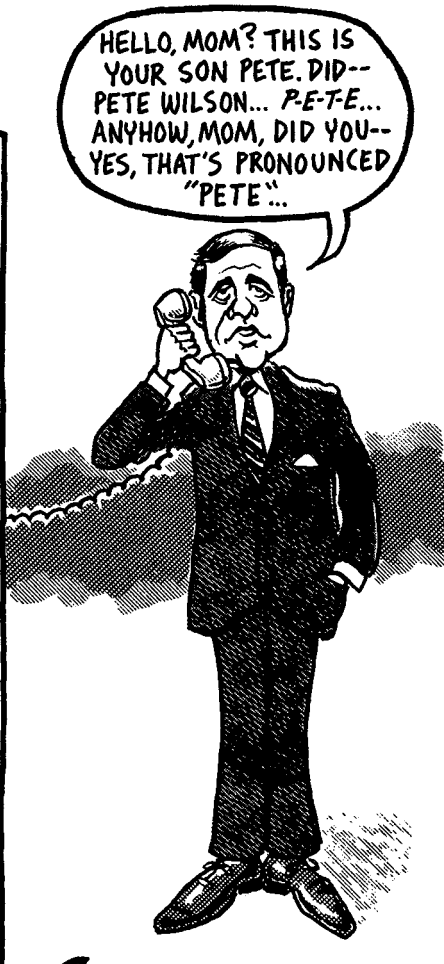
IN FACT, HIS STEADINESS HAS ALREADY WON HIM THE NICKNAME OF "OLD DEPENSIONABLE"



PETE WILSON, THE MISSION BAY BOMBER, HAS TRAINED FOR YEARS AT THE "SCOOP JACKSON GYM". HOWEVER, OL' WHATSISNAME HAS HAD TROUBLE GETTING PEOPLE TO REMEMBER HIM...

ED "ROCKY" DAVIS AND JOHN "BRAWLER" BRIGGS BOTH HOPE TO USE THEIR NOTED **ANTI-GAY** FIGHTING STANCES TO CHALK UP POINTS WITH THE CONSERVATIVES...

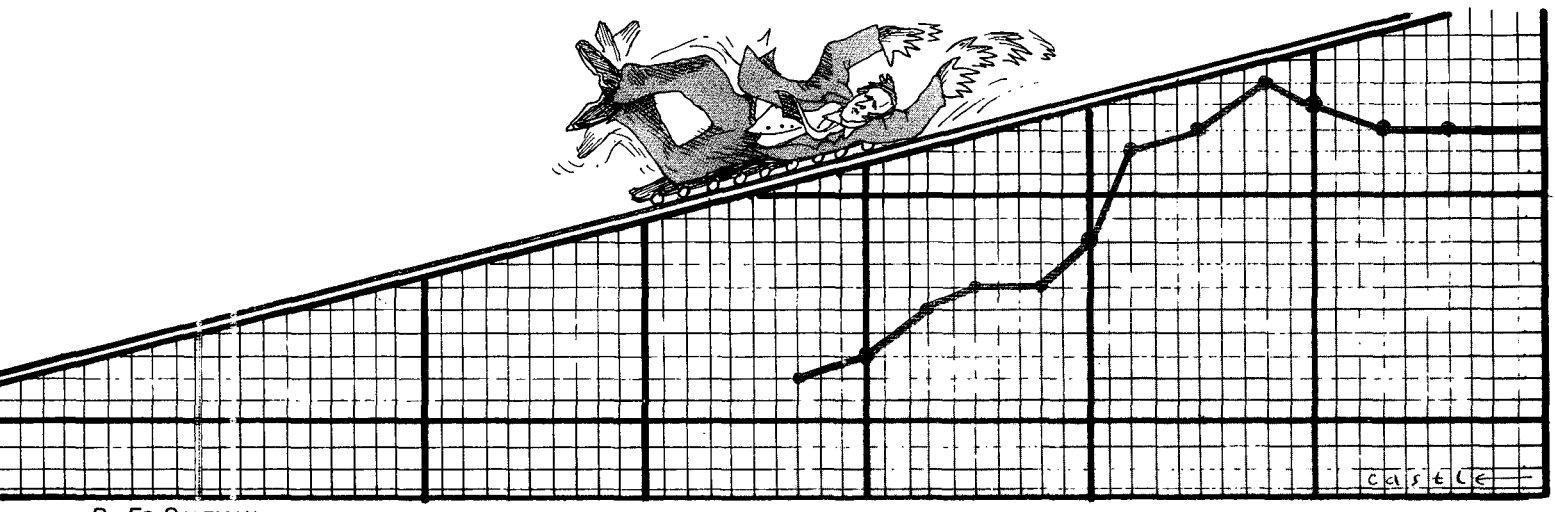

I'M MORE MACHO THAN BRIGGS, HERE!
BEER
NO, HE'S NOT! I'M MORE MACHO!
I READ "PLAYBOY"!
SO, I WATCH "CHARLIE'S ANGELS"!
I HAVE HAIR ON MY CHEST!
I KNOW ANITA BRYANT PERSONALLY!
I WON'T SLEEP ON A "QUEEN-SIZED" BED!
I'D NEVER EAT MINCE-MEAT PIE!
I ONLY DRINK HETEROGENIZED MILK!
I ONLY KISS GIRL BABIES WHEN I CAMPAIGN!



GREENBERG — CALIFORNIA JOURNAL

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Plastic surgery for Brown's wounded image



By Ed Salzman

You probably won't believe it, Gene Atherton and Louis Goldstein but you've got Jerry Brown worried. Watch out, Jules Kimmett and Raymond Liebenberg — the Governor is about to spend a small fortune to beat you. Brown knows you don't have a chance of winning, John Hancock Abbott and Alex Alcia, but he'll do his darndest to keep you from getting as many votes as you did the last time you ran for governor. Brown is concerned, David Rock and George Roden, that too many Californians will vote for you just because they are on an anti-incumbent kick. And, Lowell Darling, you're probably the challenger the Governor fears most because you have such a fresh sense of humor and the ability to get publicity.

Of course, none of these nine June primary opponents has the Governor really scared. Nevertheless, Brown has decided to run a full-fledged primary campaign, complete with some $500,000 worth of television commercials, because he feels he must restore his tarnished image. The polls indicate that Brown is on a downhill slide that has removed him from the fortress of the invincible to the battlefield of the vulnerable. Brown and his campaign manager, former chief of staff Gray Davis, have decided that the best defense is a good offense, and the sooner it starts the better.

This strategy is the reverse of the one adopted by the Brown campaign in 1974. At that time, Brown had a huge lead in the polls, and he decided the best defense was no offense. Four years ago, Brown conducted as dull a campaign as possible in an effort to preserve his big early lead.

This year's polls show Brown ahead of any potential Republican challenger — but hardly by a safe margin. More significantly, the polls (and there are more of them than ever, primarily because several newspapers are buying their own surveys) indicate that Brown's popularity with the voters has suffered greatly. This indicates that the public has not yet fallen in love with any of the Republican candidates but that Brown had better be wary about any further declines. The Governor and his aides worked hard to secure the endorsement of the liberal California Democratic Council, even though that organization is a mere shadow of its former self and doesn't provide money or votes any longer in substantial quantities. Brown and Davis decided that the CDC endorsement would help the Governor reestablish his credibility with the liberals of the state.

The 'nobody' vote

Now Brown is embarking on a television commercial campaign in an effort to reverse the trend. This campaign is designed, in part, to convince Democrats that they should stick with Brown and not cast votes for any of the nine political nobodies on the June ballot. Should these nine opponents pick up a substantial number of votes, it would be an indication that Democratic loyalty is weak and that there may be plenty of switches to the Republican nominee in November. But that's not the main reason Brown is taking to the airwaves. He needs to repair his image so that he can win convincingly in November, not just to retain his job but also to put himself in strong position for a possible primary challenge against President Carter in 1980.

The large Republican field is a problem for Brown because the candidates are trying to outdo each other with the vehemence of their condemnation of the Democratic incumbent. All this smoke can produce fires that will damage Brown. If he wants to defuse these GOP bombs, he must be on the tube with his pitches early and often. Brown's commercials will be designed to counter the kinds of attacks that are apparently being bought by the public and that have

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

contributed to his slide in the polls. Among these negative images:

- Brown is responsible for an adverse business climate in California.
- The Governor hasn't done anything. He's all style, no substance.
- Brown is responsible for the failure of the citizens to get property-tax relief last year. The current legislative effort came only after Jarvis-Gann qualified for the ballot.
- Brown is a phony who poses as an anti-politician but is really just like all the rest, concerned primarily with winning the next highest office.
- The state has a huge surplus, and Brown stands in the way of the people getting the money back because the Governor doesn't ever want to be forced to raise taxes.
- Brown has made many terrible appointments and has failed to clean up the mess in the state health department.

Preventing erosion

Some of these perceptions can be erased with facts — information on California's strong economy, a laundry list of accomplishments over the past 41 months, an explanation of the necessity for keeping a "prudent surplus." However, Brown's biggest problem will be restoring the public notion that he isn't just another politician and that his lifestyle symbols are more than just media gimmicks. Brown is a masterful political strategist, and he will probably make maximum use of the television commercials to sell himself. From his standpoint, the important thing is that he need not move up in the polls, just prevent further erosion.

For the Republican candidates for governor, the situation is quite different. Something on the order of two million Republicans will go to the polls on June 6th, and it may turn out that the candidate with 30 percent of the vote or even less will top the field. (Compare that with Jerry Brown's 38 percent four years ago when he ran far ahead of his nearest competitor.) Brown's slide intensified the Republican primary because the hope of GOP victory in November made the nomination far more worthwhile and generated more money and enthusiasm from the backers of the five contenders.

Attorney General Evelle J. Younger started the campaign trying to pull a Jerry Brown — sitting on a big lead, avoiding any dangerous stands, staying away from debates and conserving money for November. But he was forced to take the offensive in the spring when polls showed there was very little light left between himself and his three prime opponents, former Police Chief Ed Davis of Los Angeles, Assemblyman Ken Maddy of Fresno and Mayor Pete Wilson of San Diego. State Senator John Briggs continued to make plenty of noise and to raise a surprising amount of money, but all polls showed he was making virtually no headway.

Younger had a major advantage over his opponents (as did Brown in 1974). He is well known throughout the state and has a generally favorable image. His big problem is that he can't compete with some of his opponents in the charisma department, and he isn't inclined to take extreme positions which get a great deal of publicity.

Davis has shown strength in his home county, Los Angeles, and among conservative voters of the southland. But he was doing poorly in the north and needed to become known as the conservative consensus candidate in order to push ahead of Younger, who had only a one-point lead over Davis in the April California Poll by Mervin Field.

Momentum was the biggest problem for Maddy, the most mediagenic candidate in the field. He used an early television blitz to get a respectable rating in the California Poll, but he had the tube all to himself. With the others also buying time to eliminate Maddy's monopoly, Maddy had a problem: what to do for an encore. One of his problems was that he was sharing some supporters with Wilson. Among some Republicans, Maddy and Wilson were viewed as two peas in a pod who were splitting votes of the moderates in the party and thus making it impossible for either of them to win. The polls showed, however, that there was a considerable difference in their patterns of support: Wilson's basic backing was in the south, while Maddy drew his numbers from the north and the central valley.

Wilson tried a different strategy from any of the other candidates — blitzing one population center at a time. He would move into an area with a barrage of press releases, personal appearances and paid advertising. That would be "Wilson week" in that area and draw attention to his candidacy. The polls indicated that it helped him, but he still remained behind Younger, Davis and Maddy.

For candidates all along the line, the big problem was public preoccupation with the Jarvis-Gann initiative. Wilson took a bold step and came out against it, even though there were indications that the massive tax plan is supported by a majority of Republicans. Davis and Briggs endorsed it warmly, and Younger said he would vote for it. Maddy was obviously torn between his conscience (against it) and his constituency (for it), but he finally announced his opposition to the measure in early April. It did not appear that voters were rating the GOP candidates by their stands on Jarvis. Otherwise, Briggs would have ranked higher because he had the formal endorsement of the initiative's sponsor, Howard Jarvis.

For those groups opposing Jarvis, the configuration of the June competition for office was not a favorable factor. Most of the interesting races were among Republicans, and there were few reasons for Democrats to troop to the polls. This meant that there would be a large natural turnout of those most likely to support Proposition 13 and it would take a special campaign to lure Democrats to voting booths, where they could be expected to oppose the initiative.

The other races

As the primary election reached the crucial final five weeks, here is how some of the other races looked:

- ***Lieutenant Governor*** – Assemblyman Mike Antonovich of Glendale was making surprising progress in his campaign to overtake the early leader, entertainment impresario Mike Curb, for the GOP nomination.
- ***Attorney General*** – In the Democratic primary, Congresswoman Yvonne Brathwaite Burke obtained the endorsements of Mayors Tom Bradley of Los Angeles, George Moscone of San Francisco and Lionel Wilson of Oakland, indicating that her strength in the north could prove decisive in her race against Los Angeles City Attorney Burt Pines, who was also running a vigorous campaign. Money was a big problem for Patty Hearst's prosecutor James Browning in his uphill struggle to defeat Senator George Deukmejian of Long Beach, who had most party organizational elements in his corner.
- ***House of Representatives***– Further revelations of Korean gifts to California congressmen put two Democratic incumbents, John McFall and Charles Wilson, in further jeopardy. There were also slam-bang contests underway in several districts without an incumbent seeking reelection.
- ***State Senate***– The only incumbent in deep trouble was Democrat Alfred Song of Monterey Park, being hotly pursued by Assemblyman Joe Montoya and businessman George Hensel.
- ***Assembly*** – Three incumbents faced more-than-token opposition, Republican Bud Collier of Monrovia and Democrats Leroy Greene of Sacramento and Mike Cullen of Long Beach.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

MISSING: The Chicano Candidate

California's massive Mexican-American population used to be described as a "sleeping giant." Now the giant is aroused and angry, but it hasn't yet found a way to join Blacks, Asians and women in the state's political mainstream.

By RAY GONZALES

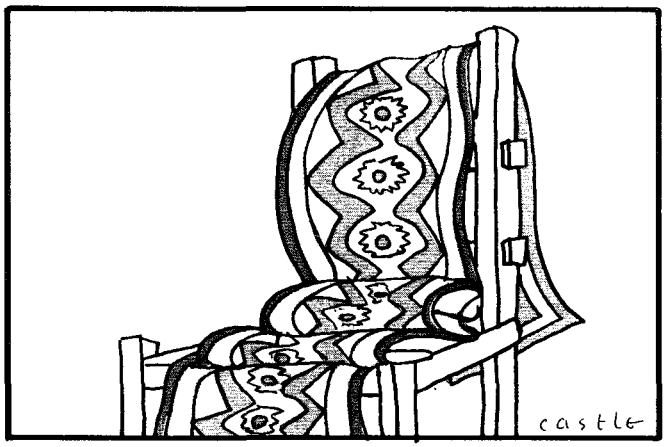
With the June primary election only a month away, the political stage is crowded with a cast of hundreds. But conspicuously absent from that cast is any Chicano candidate of stature seeking statewide office. Some militant Chicanos claim this is because the California electorate is "racist," but the political success stories among other minorities refute that charge.

The Asian community can point to March Fong Eu, virtually unchallenged for her second term as secretary of state, and to U.S. Senator S. I. Hayakawa. Blacks have two incumbent state office-holders seeking reelection: Lieutenant Governor Mervyn Dymally and Superintendent of Public Instruction Wilson Riles. In addition, a popular Black congresswoman, Yvonne Brathwaite Burke, is running for attorney general.

In terms of numbers alone, the Chicano population should be on the political rise. The *Los Angeles Times* recently reported that 28.8 percent of Los Angeles County is currently Chicano, and the percentage is increasing yearly. Other studies indicate that Spanish-surnamed people will be the dominant population group in California by 1990 — by which time minorities will outnumber whites in California, and Chicanos will outnumber any other minority.

Yet there are a variety of political realities that do support the theory that the California electorate is not ready for a Chicano candidate. Or, perhaps more accurately, a Chicano candidate is not ready for the California electorate. Several socio-political factors have developed which would virtually guarantee that in 1978 any Chicano candidate for major office would have to run a defensive campaign. These factors, producing an image problem for the entire Chicano community, include the following:

• ***Gangs and gangland*** – Chicano prison gangs, La Familia (a rural-oriented group) and the Mexican Mafia (urban-oriented), represent a new movement of a non-political nature among the criminal element in the Chicano community. The wide media attention these groups receive distorts the reality of their small numbers. The state Justice Department estimates that there are only "between 150 and 200 hard-core members of the Mexican Mafia." Yet, even with these small numbers, there is no dispute that they are involving themselves to a considerable degree in criminal activity in California. The department indicates that the Mexican Mafia is involved in "drug dealing, protection rackets and assaults in prisons. On the street, the Mexican Mafia is active in narcotics, robbery, extortion and homicide."



The recent emergence of the Chicano gangs as "high rollers" in the underworld is a rather strange sociological phenomenon. It results from a series of events for which the Chicano community is certainly not responsible but for which it is suffering. It was the end of the Vietnam War that catapulted the petty Chicano gangsters into the higher levels of crime. With most of Southeast Asia falling under Communist control, the lucrative drug traffic shifted from that part of the world to Mexico and South America. Suddenly the Chicano gangs emerged as high-level drug dealers rather than "the street-corner junkies" they once were. Suddenly the language of the drug deal became Spanish and the entry-point was the Mexican border.

A recent Associated Press story reporting on the subject indicated that U.S. drug officers have discovered that "narcotics traffickers search out peasants in isolated areas (of Mexico) offering them money, goods and sometimes guns to plant, cultivate and harvest opium poppies and marijuana." But Mexico is hardly the only source for the drugs coming into the United States. Justice Department officials now calculate that Colombia currently receives as much money from illicit drug production as from the production of coffee.

The role of the Chicano gangster in the drug traffic has obviously become indispensable in the business. The gangland killings, the prison assaults, the protection racket and related crimes such as extortion are not dissimilar to the style and techniques employed by the original Mafia.

• ***The alien problem*** – Related somewhat to the drug traffic is the ever-increasing entry of Mexican aliens into the

Ray Gonzales is a member of the state Public Employee Relations Board, a former member of the Assembly and frequent contributor to the Journal.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Obledo

Sillas

Mystery candidate

La Familia

United States. Certainly most aliens — estimated at between 8 to 12 million now — are in no way involved in bringing drugs into the country. Sometimes, though, the price an undocumented Mexican pays for getting across the border is serving as a carrier of heroin or other drugs.

Most illegal aliens from Mexico, however, come to the states for purely economic reasons. The *Wall Street Journal* reports that "the disparity between economic conditions and opportunities in Mexico and the U.S. is too great . . . So long as the Mexican birthrate yields a skyhigh 3.5 percent annual population growth, far outstripping the nation's capacity to create jobs, and so long as employers in the U.S. yearn for cheap labor that will work hard and work scared for wages that would be princely in Mexico, an army of the jobless will continue to plod north."

They are plodding north at an accelerated rate. U.S. Border Patrol officials indicate that "the 1,017,000 captured in the year that ended September 30 made the highest total since 1954, when 1,092,000 were caught." And they estimate that for every one they catch, two escape. This staggering increase in illegal border crossings and the resultant media attention has divided the American citizenry and once again fanned the flames of bigotry, just as it did during the arrival, legal or illegal, of the Italians, the Irish and Eastern Europeans during the early 1900s.

In fact, the issue has become so emotional that the Ku Klux Klan this year initiated its own "border patrol," attempting to keep out "the unwanted foreigners who take jobs from Americans." Even though statistics indicate that Mexican illegals generally take only the jobs that American citizens don't want, the impact of their presence sends shudders through those who are always made uncomfortable by the mere presence of "foreigners" with darker skins and a different language.

• ***The Mondanaro affair*** – Partly because of their increasing numbers, Chicanos are now waging a new, concerted effort to find jobs in all sectors, including public service. Cesar Chavez's courageous efforts on behalf of farmworkers have been overshadowed in the past few years by the efforts of Health and Welfare Secretary Mario Obledo and others to find meaningful positions for Chicanos in civil service.

Though Obledo and his former assistant, Xavier Mena, have been critized severely by the media for their roles in Governor Brown's firing of Dr. Josette Mondanaro, they emerged as heroes in the Chicano community. Obledo made no bones about his efforts on behalf of the Spanish-speaking. Testifying in the Mondanaro hearing, he said, "I'm going to do all within my power to make certain the Spanish-speaking people are brought into state government. But he added, "I'm friendly with all kinds of people. That's why I'm in trouble now — because the office of the secretary has been open to people who had never been able to see a secretary."

Ironically, the gay community feels it won a victory in the Mondanaro affair, while Chicanos suffered a setback. Even ex-Police Chief Ed Davis of Los Angeles supported Mondanaro, but Chicano affirmative-action efforts were generally denounced.

As a result, there is a growing frustration among Chicano state employees and Chicano leaders, who are aware of the backlash among white co-workers and the general public but helpless to counteract it. It appears, too, that overly aggressive affirmative-action officers in some state departments have played into the hands of their critics. Appellate Court Judge Cruz Reynoso has suggested that Obledo and other state Chicano leaders "may be victims of over-zealous staff members" who have implemented affirmative-action programs with somewhat "heavy-handed tactics." Whatever the tactics, two things are certain: Chicanos have gained less than 2 percent in state employment since the beginning of the Brown Administration — and their gains are far less significant than their critics believe.

Obledo, fact and fiction

The central figure in the controversy over affirmative action in state government is obviously Obledo. As the highest Chicano appointee in California, Obledo would be a logical choice for statewide candidacy if it were not for the current climate and the fact that he has always said, "I'm not a politician."

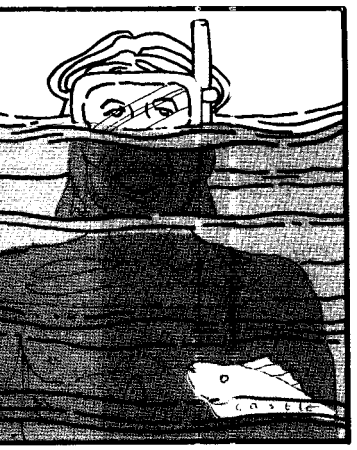
Governor Brown, in a recent statement to the *Los Angeles Times* in defense of his beleaguered agency secretary, echoed the same sentiment: "Mario is not a politician. He does not play the political game . . . He is a highly moral, highly religious person who tries to do his job in a very straightforward way . . . He's not hanging around bars in Sacramento talking to legislators or bureaucrats. He goes home to his family, and now he is paying a certain price for that . . ."

It was Obledo who, in the early days of the Brown Administration, urged the Governor to end the evening cabinet meetings and shift to a day schedule so that cabinet members could spend a little more time with their families.

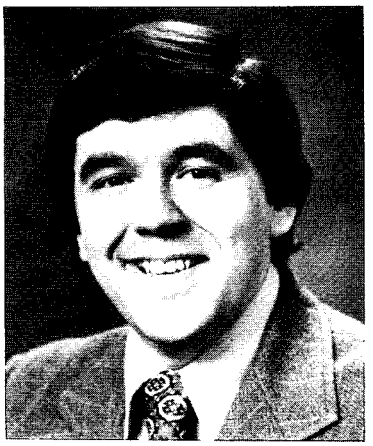
The truth is that Obledo inherited an agency that had nearly as many problems as it did employees. With such departments as Corrections, Youth Authority, Health, Narcotics and Drug Abuse, to name a few, he took on a "no-win" job. The Health and Welfare Agency deals with people problems, and there appears to be no end to people problems. Obledo took the job against the advice of many Chicanos, who said, "You will be crucified in that job." The more politically sophisticated Chicanos felt that a minority person in that position would be a sitting duck for the conservative elements of the state, as well as a scapegoat for a liberal administration.

Steve Barber, a former deputy director in the now-defunct Office of Educational Liaison in the Health and Wel-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



Torres



fare Agency, says, "Mario inherited a real mess left for him by Earl Brian and company. While he (Brian) used the agency as a thinly disguised campaign organization for his U.S. Senate aspirations, the mental hospitals were . . . neglected, social services to Californians were broken up and submerged to be replaced by a highly visible and politically marketable, public-dole system called the Department of Benefit Payments. What really bothers me now is that no one recalls that under Brian there wasn't a single woman or minority on the agency's professional staff."

Barber writes off Obledo's troubles to election-year politics: "One thing the Governor and Mario refused to do when they took over the kitchen was to clean out the middle-management pantry of all the Reagan leftovers who had run for cover at the first hint Flournoy couldn't beat Brown. Now these leftovers have started to spoil."

Nevertheless, Obledo left his teaching job at Harvard Law School to return to California to, in his words, "take on the only job I would have accepted in the administration, a job where I could do something for people." Unfortunately for Obledo his tenure as secretary has caused him and the entire Chicano community a great deal of anguish. The press has been less than sympathetic. Accusations of cronyism in employment, underworld ties and other charges against Obledo have depressed him and angered many Chicano community leaders who want him to "come out fighting."

Because of Obledo's style and his adamant disinterest in political office, it is unlikely that he will ever seek elected office in California. But he has become perhaps the most popular Chicano in the Spanish-speaking community. The strong support for him was demonstrated by a gathering in Sacramento of nearly 2,000 persons last December, and more recently in Los Angeles where 5,800 gathered to show Chicano solidarity. Obledo is able to attract this support precisely because he is not a politician and does not constitute a threat to any of the elected Chicano legislators. Also, unlike most politicians, he has not been afraid to speak out on controversial Chicano issues.

His recent dispute with Youth Authority Director Pearl West is a case in point. Obledo was adamant in pointing out that in the 30-year history of the CYA, there had never been a Chicano deputy director. He rejected the idea that there were no "qualified" Chicanos among the 4,000 employees of the department. This concern of Obledo's has endeared him to the Chicano community, but at the same time has not made him a favorite among many state employees. Yet, despite his efforts over the last three years, the employment rate of Chicanos in the Health and Welfare Agency is still only 8 6 percent compared to the 6.8 percent they constituted when Obledo arrived. (Chicanos constitute 13.7 percent of the labor force in the state.)

Another of the visible Chicano leaders, who was twice a candidate for statewide office, has opted to follow a path other than the political trail. Herman Sillas, former director of the Department of Motor Vehicles appointed by Governor Brown in 1975, was recently selected by President Carter to serve as U.S. Attorney for the eastern district of California. Sillas will, no doubt, tackle his new post with the same vigor he displayed at DMV; but, for the political present he has removed himself from California politics.

If not Sillas or Obledo, who will be the first electable Chicano candidate for statewide office? Many Sacramento observers see Assemblyman Art Torres of Los Angeles as the brightest star among the Chicano legislators. But for a Chicano legislator to succeed, he would have to have a much broader base than East Los Angeles. One Chicano political figure who holds no elected office, but who has very strong ties in the Democratic party throughout the state, is Ralph Ochoa, chief of staff to Assembly Speaker Leo McCarthy. Ochoa, however, is considering pursuing his legal career rather than continuing in politics at the present time.

The loyal constituents

Although there will not be any efforts in 1978 on behalf of a major Chicano candidate, the role of Chicanos may take on new significance. The fact that Jerry Brown appeared at both Obledo functions, proclaimed that "I am only as strong as you are," and indicated that Obledo was "his proudest appointment," obviously indicates that Brown — a master at pulse-taking — realized even before the latest California Poll that his most loyal constituency was the Chicano community. While his popularity as a "good" governor had fallen from 53 percent in March 1976 to 29 percent in February 1978, his "good" rating remained highest among Chicanos at 42 percent. Another survey among Chicano leaders throughout the country indicates that Brown received a "good" to "outstanding" rating from 83 percent of those Chicanos surveyed, while President Carter received only a 20 percent rating.

So — even though this will not be its year — the Chicano community may be a political force to reckon with in the future. It has three big assets: increasing vote-power; a growing middle-class that is more politically sophisticated; and a loyalist's tie to an ambitious governor. Now the Chicanos must find the leaders to translate these assets into statewide electability.

The easy way to store your Journals

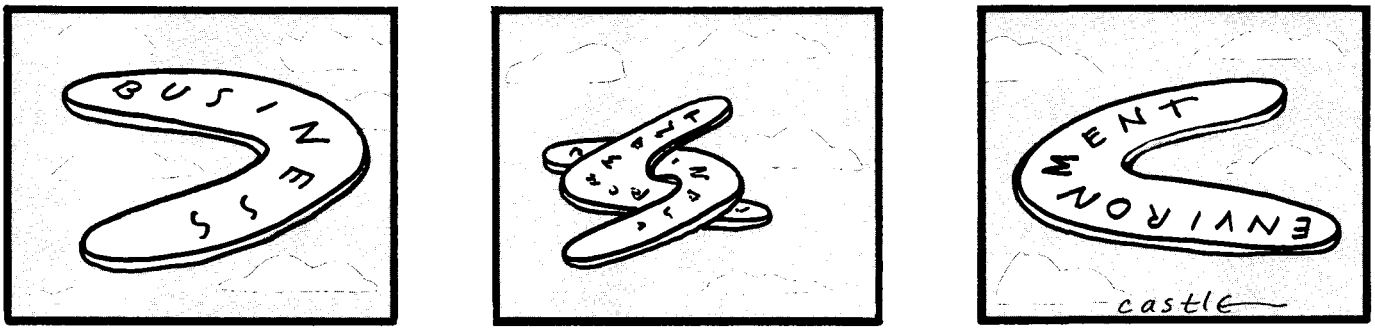
Sturdy and attractive *Journal* binders are now back in stock and available for immediate shipment. These binders are made from the finest quality buckram and are stamped with gold-foil letters. They are available for the years 1970 through 1978, and each binder contains enough space for a full year of magazines plus the annual index.

The price for each binder is $7.42, including sales tax. Shipping and handling are free only on prepaid, Visa and Master Charge orders. (Annual indexes are $2.50 each.)

Send your binder orders to the *California Journal Press*, 1617 10th St., Sacramento, 95814.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Business versus environment in the 1977 legislative session



By DAVID MORGAN AND JOAN REISS

The 1977 session of the Legislature was supposed to have been the one in which business and labor interests of the state took away the initiative from the environmentalist movement. But the legislative scorecards for the year, as issued by a variety of special-interest organizations, would indicate that business and labor still have a way to travel before they can stem the environmentalist tide.

Governor Brown and many members of the Legislature adopted pro-industry postures early in 1977 when there was a great deal of commotion about the state's supposedly adverse business climate. It should have followed that an organization like the California Manufacturers Association would have had easy sailing in the 1977 session, and that environmentalists would have lost a great deal of ground. In the Senate, there was a slight trend in this direction, but the ecologists posted a 67 percent success rate in the Assembly — about the same as in the previous three years. And labor's percentages were down 15 points from 1975 in both houses.

As the 1978 elections approach, it might prove interesting to compare the rhetoric on the hustings with the voting records posted in Sacramento during the past two years. Perhaps the easiest way to make this comparison is through the ratings of various interest groups. Eight groups with a variety of interests were chosen:

California Peace Officers Association (CPOA), 1977 — 11 Senate and 6 Assembly bills on law and order issues.

California Republican Assembly (CRA), 1976 — 15 Senate and 12 Assembly measures on issues ranging from fiscal responsibility and local government control to individual freedom.

Libertarian Party of California (LPC), 1977 — 23 Senate and 26 Assembly measures on economic freedom and individual freedom issues.

California Labor Federation, AFL-CIO (CLF), 1976 — 9 Senate and 9 Assembly measures on labor issues such as pregnancy benefits, collective bargaining and workers' compensation.

Americans for Democratic Action (ADA), 1977 — 21 Senate and 13 Assembly bills ranging from capital punishment to health care.

Friends Committee on Legislation (FCL), 1977 — 5 Senate bills and 3 Assembly bills on social welfare, capital punishment, prison reform and prisoners' rights.

California Manufacturers Association (CMA), 1977 — 15 Senate and 11 Assembly measures on pro-business, anti-government-regulation issues.

League of Conservation Voters (LCV), 1977 — 12 Senate and 5 Assembly bills on environmental issues.

How they scored

Four organizations calculated their own percentage ratings. Of these, CMA, LPC and CLF did not penalize lawmakers for absences and abstentions. CRA penalized those who did not vote and weighted some bills heavier than others. (Some lawmakers received minus ratings from the CRA.) For the other four groups, percentages were calculated by dividing the total favorable votes cast by the number of voting opportunities.

The ratings provide a means of establishing the most liberal and most conservative members of the Legislature. Using arbitrary standards (Senate — ADA, 70 or higher; CRA, 10 or less; Assembly — ADA, 95 or higher; CRA, 15 or below), the most liberal legislators are Senators Dunlap, Greene, Holden, Petris, Roberti and Sieroty; and Assembly members Agnos, Bates, Gage, Hart, Kapiloff and Rosenthal. All are Democrats. The most conservative (Senate — CRA, 60 or higher; ADA, 10 or below; Assembly — CRA, 60 or higher; ADA, 15 or below) are Senators Briggs, Dennis Carpenter, Deukmejian, Richardson and Stull; and Assembly members Antonovich, Chappie, Collier, Lanterman and Lancaster. All are Republicans.

Most organizations issuing scorecards point out that a percentage rating does not tell the whole story about a legislator's support or opposition to bills. And it tells nothing about a lawmaker's effectiveness, integrity or overall level of performance. But it does provide a good general guide to where lawmakers stand on the issues. Here are the ratings:

David Morgan is a graduate student in government at Sacramento State University. Joan Reiss has compiled "The rating game" in the Journal *for several years.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

SENATE

		CPOA	CRA	CMA	LPC	CLF	ADA	FCL	LVC
Alquist	(D)	40	29	73	34	67	55	75	15
Ayala	(D)	80	13	62	41	78	40	50	38
Behr	(D)	40	14	50	36	39	65	88	89
Beverly	(R)	80	53	73	57	45	35	13	65
Briggs	(R)	30	63	54	51	27	10	13	67
Campbell	(R)	10	63	38	63	9	25	13	56
Carpenter, D.	(R)	60	81	69	68	0	5	13	39
Carpenter, P.	(D)	40	—	57	52	—	60	50	50
Cusanovich	(R)	60	50	71	62	39	5	50	54
Deukmejian	(R)	100	74	53	51	17	10	0	40
Dills	(D)	60	29	50	43	89	70	25	31
Dunlap	(D)	20	4	47	51	83	95	88	93
Foran	(D)	80	5	56	35	39	65	50	60
Garamendi	(D)	60	–4	53	40	55	60	63	53
Garcia	(D)	40	–7	66	43	61	65	63	50
Greene	(D)	20	–1	53	51	56	70	75	63
Gregorio	(D)	70	18	58	46	67	65	50	80
Holden	(D)	0	–4	53	42	78	70	75	69
Holmdahl	(D)	90	29	76	28	61	30	25	33
Johnson	(R)	100	—	53	51	—	15	13	23
Marks	(R)	10	13	50	50	94	60	88	50
Mills	(D)	20	–3	53	39	61	65	75	87
Nejedly	(R)	100	36	58	44	78	30	50	53
Nimmo	(R)	100	63	46	63	27	20	75	31
Petris	(D)	40	–3	69	46	72	90	50	73
Presley	(D)	100	33	60	52	83	45	13	53
Rains	(D)	30	–3	31	45	61	60	50	75
Richardson	(R)	80	100	86	72	6	5	0	43
Robbins	(D)	70	13	61	43	72	50	38	38
Roberti	(D)	30	9	78	61	67	80	88	87
Rodda	(D)	30	23	36	24	67	65	75	53
Russell	(R)	100	76	72	51	6	5	0	35
Sieroty	(D)	20	5	46	48	73	80	75	93
Smith	(D)	60	4	57	38	56	55	50	87
Song	(D)	20	13	60	49	72	30	100	40
Stiern	(D)	80	53	38	45	39	30	13	44
Stull	(R)	100	69	73	59	6	0	13	43
Vuich	(D)	70	—	44	45	—	40	63	38
Wilson	(D)	60	37	35	34	91	45	75	50
Zenovich	(D)	60	21	62	64	61	25	25	35
AVERAGE		**58**	**32**	**57**	**48**	**49**	**45**	**46**	**54**

ASSEMBLY

		CPOA	CRA	CMA	LPC	CLF	ADA	FCL	LVC
Agnos	(D)	30	—	23	46	—	95	88	90
Alatorre	(D)	10	2	40	52	82	70	75	86
Antonovich	(R)	90	75	91	70	9	10	13	40
Arnett	(R)	50	59	82	67	0	25	13	50
Bane	(D)	10	19	36	32	73	50	50	67
Bannai	(R)	90	55	75	66	27	20	0	44
Bates	(D)	30	—	25	53	—	95	100	100
Berman	(D)	20	0	23	46	91	90	88	83
Boatwright	(D)	60	13	69	34	64	45	63	44
Brown	(D)	0	3	11	56	64	55	50	72
Calvo	(D)	40	–3	38	48	91	90	88	82
Chacon	(D)	50	29	27	35	55	55	50	80
Chappie	(R)	40	64	92	64	18	10	0	33
Chel	(D)	60	28	50	62	91	60	63	73
Chimbole	(D)	90	44	78	62	36	30	13	30
Cline	(R)	90	82	90	70	0	25	0	45
Collier	(R)	60	71	86	47	18	10	0	44
Cordova	(D)	60	—	58	60	—	40	13	56
Craven	(R)	70	53	81	45	9	20	13	38
Cullen	(D)	40	13	66	69	27	40	63	50
Dannemeyer	(R)	60	—	86	52	—	5	0	44
Deddeh	(D)	50	24	43	44	82	40	38	82
Dixon	(D)	30	10	25	48	82	70	63	80
Duffy	(R)	70	54	85	38	36	25	13	38
Egeland	(D)	60	0	36	41	73	70	63	80
Ellis	(R)	60	—	92	46	—	20	13	44
Fazio	(D)	30	–3	36	55	91	80	88	80
Fenton	(D)	70	7	33	55	91	60	50	70
Gage	(D)	30	—	36	49	—	95	88	82
Goggin	(D)	30	4	25	49	45	75	50	88
Greene	(D)	40	14	36	53	55	70	50	80
Gualco	(D)	40	–2	38	42	82	75	75	82
Hallett	(R)	80	—	100	48	—	25	13	33
Hart	(D)	30	9	25	49	82	95	75	100
Hayden	(R)	70	42	50	45	55	20	25	82
Hughes	(D)	30	3	35	46	64	85	75	82
Imbrecht	(R)	90	—	62	50	—	45	25	64
Ingalls	(D)	80	18	46	51	55	50	50	73
Kapiloff	(D)	50	11	42	48	91	95	88	82
Keene	(D)	60	8	46	59	82	75	75	73
Keysor	(D)	20	–2	33	49	64	90	63	78
Knox	(D)	30	4	42	55	73	80	88	75
Lancaster	(R)	100	61	80	51	18	15	0	25
Lanterman	(R)	80	64	86	58	9	15	13	43
Lehman	(D)	60	—	50	47	—	70	50	70
Levine	(D)	10	—	—	—	—	100	80	100
Lewis	(R)	80	55	85	46	0	20	13	29
Lockyer	(D)	50	3	25	43	100	85	75	82
Maddy	(R)	60	48	83	60	27	10	13	29
Mangers	(D)	70	—	50	43	—	30	88	70
McAlister	(D)	90	34	78	23	73	30	63	55
McCarthy	(D)	40	2	33	57	64	80	88	80
McVittie	(D)	70	32	57	43	82	45	50	73
Mello	(D)	40	—	50	50	—	65	88	70
Miller	(D)	10	3	42	43	91	55	88	88
Montoya	(D)	30	7	46	47	36	40	38	63
Mori	(D)	70	–1	36	24	64	50	50	70
Nestande	(R)	60	63	62	53	45	50	63	60
Papan	(D)	30	3	62	51	64	50	75	50
Perino	(D)	60	32	77	40	82	45	50	40
Priolo	(R)	70	61	78	64	27	30	13	44
Robinson	(D)	70	61	42	48	36	35	25	70
Roos	(D)	30	—	33	—	—	82	80	67
Rosenthal	(D)	10	0	28	50	100	95	88	89
Ryan	(R)	70	—	62	43	—	50	63	78
Statham	(R)	70	—	86	54	—	20	38	44
Stirling	(R)	90	—	93	69	—	20	0	40
Suitt	(D)	70	43	69	59	27	40	25	50
Thomas, V.	(D)	20	2	58	44	55	35	38	50
Thomas, W.	(R)	80	55	62	60	36	25	25	50
Thurman	(D)	60	18	71	46	64	30	25	55
Torres	(D)	20	–4	33	50	82	90	88	80
Tucker	(D)	20	3	25	49	73	75	75	73
Vasconcellos	(D)	20	8	22	49	64	80	75	90
Vicencia	(D)	50	–2	33	38	100	70	63	75
Waters, M.	(D)	30	—	27	43	—	90	88	78
Waters, N.	(D)	60	—	50	51	—	40	50	64
Wornum	(D)	60	0	28	48	91	70	63	91
Wray	(D)	50	—	36	41	—	60	63	73
Young	(D)	80	—	36	46	—	60	38	82
AVERAGE		**53**	**28**	**53**	**49**	**53**	**53**	**49**	**67**

The Senate list includes 1976 Assembly records for those senators who served in the Lower House in 1976. These votes are included in the Assembly averages, however.

The three mighty mites

For only small change, you can obtain three *Journal* pamphlets designed to guide Californians through this year's political battles:

California Journal Roster and Government Guide. Contains the names, titles, addresses and telephone numbers of all important state officials, an expanded list of state agencies, legislative committees, a legislative-process chart and plenty of other seful information. Price for the 12-page pamphlet: 100 or more copies, 25 cents each; 40-99 copies, 30 cents each; 2-39 copies, 40 cents each; single copy, 75 cents.

California Journal Campaign Reform Guide. Authored by Sacramento attorney Lance H. Olson, this 12-page booklet is designed to help anyone engaged in the political process — candidate, campaign worker, committee member, contributor — to comply with the maze of new regulations covering elections. It tells exactly which forms must be filed, when and with whom. Price: 100 or more copies, 40 cents each; 10-99 copies, 50 cents each; 2-9 copies, 75 cents each; single copy, $1.

June Proposition Analysis. This eight-page booklet, included in this month's *Journal*, gives the background and arguments on all 13 measures on the June ballot — with special emphasis on the Jarvis-Gann tax initiative. Price: 100 or more copies, 30 cents each; 11 - 99 copies, 40 cents each; 2 - 10 copies, 50 cents each; single copy, 75 cents.

Send orders to *California Journal Press,* 1617 10th St., Sacramento, 95814. Add six-percent sales tax to all but single-copy orders. Postage and handling are free on prepaid, Visa and Master Charge orders.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Escaping from the chauvinist cellar

Except in the black precincts, women are not doing very well breaking into elective office in California. The reasons: lack of money, the Democratic leadership and the family factor.

By SUSAN LITTWIN

"Go home and take care of your children," a passerby shouted at the woman handing out literature in a shopping center.

"My son is 24," replied the woman, congressional candidate Arline Mathews.

"Then go home and have grandchildren," the shopper yelled with more emotion than logic.

That was 1974. Predictably, Mathews' shoestring campaign failed to unseat Congressman Barry Goldwater Jr. But since then, the soaring cost of the American dream has turned many women — feminists and traditionalists alike — into working mothers. Voters have become more accustomed to women running for office, and most women candidates report that the once standard question, "Who's taking care of your children?" is now rare.

There are at least three other reasons why women should be doing better in the political arena than they are:

• ***According to a recent poll*** by Public Response Associates, a San Francisco firm, California voters claim to be almost entirely free of sex prejudice. An overwhelming 94 percent say they would vote for a qualified woman for Congress or the U.S. Senate. Ninety-three percent say they would elect a woman mayor and 91 percent a woman governor. However, the percentage drops to 76 percent for a woman president.

• ***In addition,*** women have an ironic advantage in post-Watergate politics. Since so few women have held office, they don't have to overcome the politician's negative image. "No women were involved in Watergate," says Assemblywoman Leona Egeland, who credits her 1974 victory in part to the fact that she was neither a man nor a lawyer.

• ***Women office seekers*** tend to be the very models that most campaign managers like to project: the community-based non-politician. Of 14 women candidates and officeholders interviewed, 12 entered politics through the side door of issue activities such as education, consumerism and environmental causes.

Outside the circle

But despite social change and these advantages, women have not made dramatic assaults on the state's elected offices. The California Legislature ranks 43rd in the nation for its percentage of women members, with only six women out of 120. Secretary of State March Fong Eu is the only woman to hold statewide office. Janet Gray Hayes of San Jose is the only woman mayor of a major city in California — and San Jose's mayor is a poor second in power to its city manager. Only two of the state's 43 members of Congress are women, and neither Yvonne Brathwaite Burke nor Shirley Pettis is running for reelection.

The problem, according to many women, is that they remain outside the magic political circles where dollars and power are controlled. California politics is a big-money

---

Susan Littwin is a Los Angeles free-lance writer and a frequent contributor to the Journal.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

game, and nearly all of the women candidates state flatly that fund-raising is their most serious problem. Even though recent financial reports do not indicate a pattern of discrimination, women candidates criticize labor, business and political leaders as male-dominated groups. "Labor leaders are nearly always men, even when they represent unions whose membership is mostly women," says Cathy O'Neill, ur successful candidate for the state Senate in 1972. Business pragmatically supports incumbents — who are usually men. "The problem is not man or woman, but incumbency," says Mathews, who learned more about the subject in a 1976 bid against Assemblyman Bob Cline.

But even harsher criticism is directed at liberal Assembly leaders Leo McCarthy and Howard Berman for their support of Assemblymen Mike Roos and Mel Levine in special elections last year. Both men had strong women opponents in the primary. "The Democratic establishment is reluctant to support women fully," said Ruth Yannatta, who lost to Levine by about 1,700 votes. "There is a good-old-boy network in Sacramento that is more comfortable with its friends."

Hallie Tenner, president of the Los Angeles City Commission on the Status of Women and a member of the Democratic National Committee, offers a challenge: "I want to see the leadership do for a woman candidate what they did for Mel Levine." And she suggests guidelines: "If there is a viable woman candidate in a district, then it's incumbent on the Democratic leaders to make sure that a male candidate does not enter the race, and to support the woman with money and technical assistance. If there is no strong candidate in the district, then the leadership should ask a woman to move in."

Saving the plums

A complaint frequently voiced by Democratic women is that the leadership will support them in hard-to-win districts but saves the plums for men. "They will always help a woman who wants to run against Lou Cusanovich (a 22-year Republican incumbent). But if Berman's seat were open, it would go to a man," says Los Angeles City Councilwoman Joy Picus.

Berman acknowledges such criticism may be justified. "Perhaps we have to reexamine what we've been doing," he says. "It may be that we have to do more." But he also points out that the Democratic majority caucus gave a considerable amount of cash and technical assistance — not warranted by the odds — to Assembly candidates Betty Smith and Arline Mathews in 1976. "We want to see more women elected . . . We want to see more women getting in line for higher office," Berman says. However, he balks at the notion that the gate should be closed to male challengers once a woman enters the field. "I will not categorically support any woman against any man."

Although many candidates see McCarthy and Berman as potentates dispensing Assembly seats with a nod, the party leaders regard their support only as dessert for candidates who can come up with the main course themselves. Berman says he looks for "qualified candidates who have the potential to put together a winning campaign."

And here women run into trouble again, for few women have the personal financial base to establish themselves as "viable" or "qualified" — words which have become euphemisms for "can raise money." Some women have been staked by successful husbands, but the typical woman candidate is a volunteer or a modestly paid professional. As Egeland puts it, "I was a teacher and I associated with other teachers. For them, a generous contribution was $15. If I had been a lawyer, I might have had colleagues who gave $1,500."

Some veteran campaign technicians observe that women also have a more difficult time asking for money than men do. "It's hard for them to put a dollar value on their worth and get closure," says one old hand. He acknowledges that women are often first-rate fund-raisers when they are not working for themselves.

The sex-blind GOP

Republican party leaders manage to avoid criticism for two reasons. First, they are busy concentrating on survival. Second, the party is ideologically sex-blind. "I ran as the qualified candidate, not as the woman candidate," says Republican Assemblywoman Carol Hallett. And Allan Hoffenblum, coordinator of legislative campaigns for the Republican State Central Committee, says that district surveys taken by the party show that sex is not an issue. "Politics is neuter. We'll take anyone — man, woman, black, white — as long as they can raise the money and put a winning campaign together."

But even qualified women candidates still struggle with inexperience and insecurity. "Women politicians have no role models," says one woman campaign consultant. "They spend an excruciating amount of time and energy deciding how to look and how to act." City Councilwoman Picus has two aides sit in on press interviews — and occasionally steer her in a safer direction. Beautiful women try to look matronly and schoolmarmish. And frequently, women candidates irritate audiences by talking too much and selling themselves too hard while the men are quietly "working the room."

And although times have changed, the ghost of women's traditional role as wife and mother still haunts the political scene. Yvonne Burke has given up a safe congressional seat to make a risky run for attorney general. Feminists applaud the bold move, but Burke's friends admit that she wants a California-based job because she does not want to shuttle her daughter back and forth from Washington to Los Angeles once she starts school. Male members of Congress, of course, simply leave the little ones with their wives while they mend fences at home.

If voters no longer ask who's minding the children, opponents still raise the issue. Women candidates with grown children often say so in their literature to preclude such attacks. Those with young children hold their breath. In a last-minute mailing, one of Yannatta's opponents pointed out that she was divorced and the mother of two children, aged four and eight. The "comparison chart" concluded that Yannatta "needs to spend more time developing stability in her public and private life." And in another election, one woman candidate made an issue of the fact that she was a single woman with grown children, while a woman rival had a husband and young child who would tend to distract her. Meanwhile, winner Mike Roos included an appealing picture of himself, his wife and his two pre-school daughters in nearly every piece of campaign material. In politics, as in other spheres, a young family implies stability for a man, but missed work days for a woman.

The Black exceptions

Somehow, the state's Black women have not been affected by these problems. Two of the five women in the Assembly are Black, although Blacks are less than 11 percent of the population. Both Maxine Waters and Teresa Hughes have been elected in the past three years, and the odds are that they will be joined by other black women seeking legislative seats opened up by Burke's move. Los Angeles school board member Diane Watson is a good bet to win the state Senate seat now held by Nate Holden, who is going after Burke's job. And two other Black women —

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The 1978 outlook

How well should women fare in this year's California election? Here's the outlook:

Statewide. Secretary of State March Fong Eu is a favorite to win reelection. Congresswoman Yvonne Brathwaite Burke is one of the leading contenders for attorney general.

Board of Equalization. Incumbent Iris Sankey of San Diego, appointed to the post by Governor Brown, is facing the electorate for the first time. Incumbents rarely lose board seats.

House of Representatives. Both women in the California delegation, Democrat Burke and Republican Shirley Pettis, are leaving. It should be an all-male delegation next year.

Senate. Incumbent Rose Ann Vuich should have a female colleague next year. Diane Edith Watson, a Los Angeles school board member, is the early favorite to win the seat being vacated by Senator Nate Holden.

Sankey Burke

Assembly. All five incumbents — Democrats Leona Egeland, Teresa Hughes and Maxine Waters, and Republicans Carol Hallett and Marilyn Ryan — should win again. There are three strong possibilities — Republican Marian Bergeson in Orange County and Democrats Beth Meador in Alameda County and either Marguerite Jackson Archie or Gwen Moore in Los Angeles. Betsy Marchand of Yolo County will have a good shot if she wins a tough Democratic primary, and Sandy Baldonado is again the underdog in her attempt to unseat Republican Bill Lancaster of Covina. There are several other districts in which women can win in November but they face long odds in June.

community college trustee Gwen Moore and Burke's administrative assistant, Marguerite Archie, who is also a public member of the governing board of the State Bar Association — are leading candidates to succeed Julian Dixon in the Assembly.

The Black women politicians seem more comfortable with themselves and less ambivalent about leadership. Maxine Waters recently told a group of liberal white women that they "ought to get their act together." Successful Black women waste little time expressing guilt about their roles. "We're used to juggling," says Marguerite Archie. "Black women grow up knowing that we're going to work all our lives. The only question is what you'll work at. So we don't feel that we're abandoning our families when we run for office." Unlike some of their white counterparts, Black women politicians maintain a fashionable image. "The Black community wants its representatives to be tough in a way that is acceptable to the establishment," says Waters. "The people in my district want to be proud of the way I look."

One of the more significant reasons for the success of Black women may be the highly organized nature of the Black community. Waters was able to defeat a Dymally-supported opponent on a thrifty $58,000, by tapping the vast network of church and social organizations in south central Los Angeles. The War on Poverty gave minority activists — especially women — an enviable opportunity to develop political skills. Waters, Archie and Moore all "learned the system" by knocking on legislators' doors to win support for poverty programs. They also learned to help their friends and punish their enemies at election time. "We were federal employees, technically speaking, but I never believed in the Hatch Act," said the fiery Waters, who went from a Headstart classroom to her own campaign management firm to her own Assembly seat.

But Waters is already more than the assemblywoman from the 48th district. "I feel that I represent all women," she says, and she is indeed the star feminist politician in California, the favorite of women activists. Skilled in politics and organization, she goes from her ghetto constituents to westside liberals without missing a beat. But in Sacramento, she managed to upset the Assembly leadership even before she had unpacked her bags. Soon after she arrived, she proposed to the Rules Committee that the term "Assembly members" be used rather than "Assemblymen" when the plural included legislators of both sexes. Dismayed at her tiny budget for district office staff, she visited the Rules Committee again and offered to exchange her gasoline and telephone credit cards for extra help. But the biggest wave-maker was the impertinent lesson she taught a chauvinist colleague of her own party. She addressed a women's group in his district, described his voting record and conduct in Sacramento — and suggested that local women might want to look for another representative.

A year later, Waters describes her relations with her colleagues as "getting better." The "Assembly member" rule was never passed, but the practice has been adopted informally. The chauvinist colleague is more respectful. Does she regret the first year of confrontation? "Oh, no. I've got more confrontation coming up. I only regret that I didn't understand the process well enough to win all the time. But I know it much better now."

The non-libbers

At the other end of the spectrum are State Senator Rose Ann Vuich and Assemblywoman Carol Hallett. Avowed "non-libbers," both feel that they have been elected to see to the interests of their politically conservative agricultural districts, not to crusade for women's rights. "You can call me assemblyman or assemblywoman, but not assemblyperson," says Hallett. "It sounds like a neutered cat." And Vuich told the *Los Angeles Times* that "some of those women are really out of it . . . To hear them, I'm supposed to be up there, ranting and raving and making a fool out of myself."

Neither Vuich (who is single) nor Hallett (married to a farmer) has children, which may make them more acceptable to their constituents. "Rural people are family-minded," says Hallett. "I was asked about it often at coffees, and frankly, if I had children at home, I would not have run." She is indifferent to complaints that women legislators are excluded from capital parties. "I don't think I'd care to go anyway. I'm here to represent my district, and I find it easy to get along in Sacramento."

Hallett may find it easy, but not many other women will have the chance to find out for themselves. Leaders of both parties say they hope to add a woman or two to their legislative rosters, but the gains will not take the California Legislature out of the chauvinist cellar. Burke could become the second woman constitutional officer, but the congressional delegation may well be all-male next year. Says Alice Travis, who chairs the women's division of the Democratic Party and hopes to be her party's first chairwoman in over 20 years: "I'm incurably optimistic or I wouldn't be beating my head against the wall every day."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

When does a legislative staffer become a partisan campaigner?

By ROBERT B. TUCKER

Few people in the Legislature want to talk about the law suit against Democratic Assemblyman Tom Suitt these days — not even Republicans. Suitt was charged in November by the Fair Political Practices Commission (FPPC) with failing to report the use of a state-salaried legislative aide in his 1976 reelection campaign. This is the first time the commission has taken a legislator to court since its formation in 1975. The case raises a sensitive question: Where do legislative activities end and politics begin? It also spotlights the little-known role of legislative staff members in the political arena — and invites scrutiny that makes incumbent legislators nervous.

Whatever the outcome of the case, there will almost certainly be an appeal. And if the FPPC is successful in gaining jurisdiction in cases of this sort, other lawmakers could find themselves in court in the future. Around the Capitol, with the 1978 election year getting underway, the case already has had a sharp impact. A mood of uncertainty prevails among the staffs of the party caucuses of the Legislature. These staffs are composed of experienced political jacks-of-all-trades. During the off-years they are legislative employees, but during election years they often take leaves of absence to help legislators run their reelection campaigns.

The Suitt case raises this question: Do these legislative staffs exist primarily for political purposes, and if so, is it appropriate for taxpayers to pay their salaries? Similar questions can be asked about the large staff of Assembly Speaker Leo McCarthy and other legislative leaders.

In the Assembly, members face reelection every two years and the average tenure of members is a short 4.2 years in office. Here the partisan staffs are most important. Majority and minority consultants and those working for the leaders of both parties all routinely operate in the "grey area", an expression used by politicians to describe activities that fall somewhere between being legislative (legal) or political (illegal.) The leaves of absence these staff members often take in election years are sanctioned and often even arranged by the party leaders in the Legislature. The case against Assemblyman Suitt involves such a case.

Six days of salary

Michael O'Key is a consultant on the staff of Assemblyman Julian Dixon, chairman of the Assembly Democratic caucus. It was his activity on behalf of Suitt's reelection bid that resulted in the FPPC suit. Acting on a tip from an unnamed source, the FPPC maintains that on at least six days during May and June of 1976, O'Key performed purely political tasks for Suitt, such as soliciting contributions, planning strategy, coordinating the activities of volunteers and preparing Suitt's campaign budget. The suit charges that because of O'Key's services, Suitt received a contribution from the Assembly caucus and should have listed it in the financial reports he was required to file under the state's campaign disclosure laws. Suitt, then a first-term legislator, was involved in a tough reelection fight against Republican Al McCandless, a Riverside County supervisor.

The FPPC is taking the position that Suitt should have listed a donation equivalent to O'Key's salary for those days as a caucus consultant. O'Key counters that his activity in all but one case was legislative, not political, in nature. But insiders say that the FPPC was not convinced by this argument because there were indications that O'Key used an assumed name while working on the campaign. Why was this necessary if all the work was legislative and legal? O'Key has the support of both his boss, caucus chairman Julian Dixon, and Assembly Speaker Leo McCarthy.

The Suitt case is especially embarrassing to the Assembly because of the large number of staff members whose work falls within the "grey area". (Editor's note: As a result of the Suitt case and the research being conducted by the author of this article, the Assembly leadership recently pared down the caucus staff and took other steps to prevent future embarrassment.)

While Assembly majority and minority consultants admit

The partisan staffer's black-and-white hat act

Robert B. Tucker wrote "Flying into the black hole" in the August 1977 Journal.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that they are often partisan operatives, they like to emphasize the non-political work they do, such as in-depth research into complex issues like property taxation and school finance. Their primary function is to help first-term Assembly members become more effective politicians, with a view to getting them reelected. Freshmen members have small staffs, and much of what consultants do for them is similar to what administrative assistants do for veteran members. Consultants research and write speeches and newsletters, help legislators in setting up their district offices, organize their staffs, and attract media coverage. Party leaders delegate much responsibility to the respective chief consultants of the Republican and Democratic staffs, and there is no oversight committee to be sure that what the staff members do is lawful.

Already familiar with the needs of the candidate, the consultant who has worked with a freshman assemblyman for two years can easily move into a full-time campaign role. The staffer, taking a leave of absence from the state payroll, is usually paid by the party or from the candidate's campaign coffers.

Unfair to challengers

The practice is strongly opposed by reform groups such as Common Cause. They maintain that the practice is inherently unfair to non-incumbents, and that consultants tend to mix campaign work with legitimate state business while still on state time. FPPC Chairman Daniel Lowenstein echoed these concerns at the press conference announcing the case against Assemblyman Suitt: "Certainly the challenger (in an election) does not have highly qualified, paid legislative staff people at their beck and call, and it's not fair for the incumbents to have the state pay for this kind of campaign work."

Certain changes in what Assembly consultants do for members have already occurred as a result of Proposition 9. Consultants no longer can solicit funds by telephone from lobbyists or purchase billboard advertising as they once did. According to the former chief consultant to Assembly Democrats, Assemblyman Vic Fazio, a change in climate was already beginning to occur even before Proposition 9 was passed — mainly due to media exposure of staffers' political activities on state time.

Statistics on the size of Assembly staffs reveal an accelerated rate of growth during election years. In each of the even-numbered years since 1968, Assembly staffs have grown two or three times as fast as they have in odd-numbered, non-election years. In the Senate, where half the members stand for reelection in each even-numbered year, no similar pattern is evident. Since California voters approved the concept of a full-time Legislature in 1966, the overall size of staff has increased 138 percent. The Legislature alone now employs 2,000 persons.

Since both parties have benefited from the same kinds of "grey area" activities, nobody from inside has blown the whistle. For example, in the 1976 campaign between Democrat Mike Gage and Republican Ron Greenslate, both non-incumbent candidates' campaigns were run by Assembly consultants on leaves of absence. Thus, neither candidate could make points with voters on the issue without inviting a "pot-and-kettle" response from his opponent.

But this may change soon on the Assembly side. Minority consultants, under Ron Biron's direction, are now concentrating on candidates who organize their own campaigns. The GOP leadership's practice of deciding where a consultant will go to help out in an Assembly race may be phased out entirely in the coming elections, they say. Already, Assembly Republicans have formed an independent group called the Assembly Republican Political Action Committee (ARPAC) to help with candidate recruitment and to assist Republican caucus members with distributing campaign funds. "We just want to make sure there's no question with what we're doing," says John Rekow, a former minority consultant who moved over to become the founding director of ARPAC.

The Senate version

On the Senate side, the caucuses have quietly depoliticized themselves in recent years. Now they spend most of their time on research and public relations — preparing newsletters, researching bills and serving as an information arm to the public and press. Relying heavily on interns from local colleges, they also analyze legislation, write speeches and press releases for members.

What caused the de-politicizing? Partly, Watergate and Proposition 9. Other factors, though, are also responsible. Since members usually rise to the Senate from other political office — either the Assembly or local or regional office — they are more adept at managing their own campaigns for reelection. Senators also face fewer elections than assemblymen and have larger staffs. During the past decade, though, there have been several highly political periods for Senate staffers. One of those was under the leadership of then - Senator Mervyn Dymally. Dymally was asked by the Senate to resign as caucus chairman in early 1974 after he announced his candidacy for lieutenant governor. The Senate felt it would be inappropriate for him to direct the caucus while involved in a statewide campaign.

During the 1976 elections, 52 staffers in the Assembly took leaves of absence and 34 of them were apparently for purely political purposes. Employees are supposed to request such leaves in writing and to state the reason, but just how strictly this policy checks abuses is another matter. Steve Seekins, director of the Senate Republican Caucus, says he sometimes "feels obligated to put himself on vacation for a day" if what he has done that day is more political than legislative in nature.

As a result of the Suitt case, Senate staffers are now required to keep time cards. And if Assembly Republicans really do clean up their "grey area" problems, Democrats may be forced to follow suit. On the other hand, some observers suggest that leaves of absence for political purposes are an expression of civic duty. Since the Legislature is not in session during campaign season any longer, it is actually a savings to taxpayers when staffers take themselves off the state payroll, they say.

A question of definition

Attempts to define what is proper and improper conduct for legislators and their staff members are relatively new, even for California's traditionally progressive body. Legislative staffers have none of the job security guaranteed to other state employees, and they have limited protection from abuse. Continued employment is based on pleasing their bosses, the legislators. Some staffers would like to have clear-cut regulations spelling out what is proper activity, as a means of self-protection. After all, what recourse does a staff member have if he or she is told to prepare campaign literature while on state time — or to volunteer time to help the legislator get reelected? Outside of resignation, very little.

With the increased attention, staff members may actually welcome clearer definitions of what is proper activity, simply to lift the cloud of uncertainty from their jobs. But specific circumstances will inevitably arise that any set of guidelines cannot take into account. "No one has a list of what we can and cannot do," observed one high-level staffer, "and I'm not sure a list is the best thing."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

JUNE 1978
SPECIAL EMPHASIS ON JARVIS-GANN

California Journal Ballot Proposition Analysis

On June 6th, California voters will make one of the most important policy decisions in the state's history – whether to approve or reject the far-reaching Jarvis-Gann tax initiative. If approved by the electorate and upheld by the courts, the measure, Proposition 13, would force major changes in both state and local government or a drastic revision in the state's tax structure – or both. This special report contains a description and analysis of Proposition 13 and the other 12 measures on the ballot. These include two proposed bond issues and nine proposed constitutional amendments submitted by the Legislature. One of these amendments, Proposition 8, must be considered in conjunction with the Jarvis-Gann initiative. A majority vote is sufficient to enact any proposition, including bond issues.

Reprints available

Additional copies of this special report are available at the following rates: Single copy, 75¢; 2-10 copies, 50¢ each; 11-99 copies, 40¢ each; 100 or more copies, 30¢ each. Please add sales tax to all but single-copy orders.

Send orders to California Journal Press, 1617 10th St., Sacramento 95814. Postage and handling are free on all prepaid, Visa or Master Charge orders.

1 School Bonds

This proposal would provide for a $350 million bond issue to build local public schools.

Background: Except for the amount, this proposal is similar to a measure defeated by the voters, 53 percent to 47 percent, in June 1976. The total in the 1976 measure was $200 million, and virtually all of the money could have been used for a new lease-purchase provision designed to help those districts with schools that do not meet state earthquake standards.

This $350 million proposal is broken into two segments. Up to $100 million can be used for the regular state school building aid program, to help those relatively poor districts with expanding enrollments. The remaining $250 million would be available under the lease-purchase act, which has never been funded.

Under the lease-purchase arrangement, the state would build a school and lease it to a district, which would repay the full cost of the bond obligation and then assume ownership of the structure. The net effect of this plan would be to reduce the vote necessary to approve major construction programs from two-thirds to a simple majority. In some cases, it could also reduce the interest rate paid for school bonds.

Arguments: Proponents of the measure (which cleared the Legislature with only four negative votes, all in the Senate) point out that the proposal will employ the credit of the state to save money for local taxpayers, assist districts with enrollment increases, and continue voting safeguards. State Superintendent of Public Instruction Wilson Riles emphasizes that the vote required for a lease-purchase agreement with a local nonprofit corporation is also a simple majority.

One of those who voted against the measure in the Senate, H. L. (Bill) Richardson, claims that the measure could cost the taxpayers money should any district default on its obligation to the state. He argues that there is no more reason to approve this proposal than the proposition that was defeated two years ago. He also notes that school enrollments are decreasing in California, so there is no need for additional school construction.

2 Water Bonds

This bond proposal would provide $375 million for water-pollution-control and water-conservation projects.

Background: Over the years, Californians have approved almost $2.5 billion for a variety of proposals designed to improve the quality and quantity of the state's water supply and to build wastewater-treatment facilities. This measure is designed to provide additional funds to help local governmental entities eliminate water pollution and to promote water conservation.

If this Clean Water and Water Conservation Bond Law of 1978 is approved, the state will be able to provide at least 12½ percent of the total cost of anti-pollution and other water projects eligible for federal grants. In addition, $50 million could be used for financing projects that do not happen to qualify for federal assistance. Most of the money would be used to help communities build more sophisti-

© Copyright 1978 by the California Center for Research and Education in Government
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cated sewage-treatment plants. The measure was placed on the ballot by unanimous vote of both houses of the Legislature.

Arguments: The sponsors of this measure, which include Chairman John Bryson of the state Water Resources Control Board and Assembly Speaker Leo McCarthy, maintain that the funds are vitally needed to help assure an adequate water supply in California and to improve water quality. Because state funds are used to pay the non-federal share of project costs, passage of this measure would reduce the burden on local taxpayers. The recent drought, the proponents emphasize, dramatized the need for additional conservation and recycling of water in the state.

The bond measure is being opposed by a Committee for Sewer Alternatives, headed by George Deusdieker and Larry Erickson. They claim that the bulk of the $375 million will go to a single community, San Francisco, which has done a poor job managing its sewer system and every other major public works project in recent years. They add that water projects are being presented to the voters through bond proposals without long-range comprehensive planning and that Californians are therefore wasting money on inefficient sewer systems.

3 ALTERNATE-ENERGY TAXATION

This proposed constitutional amendment would authorize property-tax exemptions for energy systems not based on fossil or nuclear fuels.

Background: In recent years, the Legislature has been attempting to provide incentives for the construction of so-called alternate energy systems employing solar panels, windmills and non-fossil fuels. If this proposal is adopted, solar energy systems will be exempt from property taxation during the five-year period ending June 30th, 1984. This would be in addition to current state income-tax benefits. This proposed constitutional amendment passed the Assembly unanimously and the Senate by a vote of 30 - 2.

Arguments: The state's energy shortage is so critical that we must do all we can to encourage use of alternate energy sources, according to Senators Alfred E. Alquist and Omer Rains, sponsors of the measure. They emphasize that the cost of solar equipment is so much higher than systems employing conventional fuels that special tax benefits are needed to make the investment attractive to homeowners and businesses.

Senator H.L. (Bill) Richardson, one of the two dissenters in the Legislature, argues that Proposition 3 is a tax loophole for the rich. In effect, he says, this measure allows the person who cannot afford a swimming pool to help pay for the swimming pool of a neighbor who can afford it.

4 CITY CHARTERS

This proposed constitutional amendment would allow persons who live in city school districts but outside city limits to vote on city charter amendments affecting the school district.

Background: Charter cities now can specify conditions of membership for their city boards of education within city charters. However, some city school districts extend beyond city limits, and citizens who reside within the district but not within the city now cannot vote on charter amendments affecting board of education membership. This amendment would extend voting rights on school issues to those citizens. In Los Angeles, this amendment would apply to about 150,000 registered voters within the city school district. This measure passed both houses of the Legislature unanimously.

Arguments: Sponsors of this proposal claim that it simply will correct an inequity that denies citizens the right to vote on ballot measures affecting their own school district. The opposition, which includes the organizations known as Taxpayers Unanimous and Voters Including Concerned Taxpayers Offering Real Savings, argues that the solution is to shrink the school district boundaries to the city lines, not to let people who don't live in a jurisdiction vote on charter changes for that jurisdiction. It has also been suggested that the problem could be solved by extracting school-district provisions from city charters.

5 ADMINISTRATIVE AGENCY POWERS

This proposed constitutional amendment would prohibit any state administrative agency from declaring a state law unconstitutional.

Background: The state constitution does not say whether a state administrative agency can declare a law unconstitutional and thus unenforceable. However, the state Supreme Court has declared that the Public Utilities

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Commission can do so (subject to court review) because it is created in the state constitution. This amendment would prohibit the PUC or any other administrative agency, whether created in the constitution or not, from declaring a law unconstitutional. This proposal was placed on the ballot by unanimous vote of the Legislature.

Arguments: The proponents of this proposition, including PUC member Vernon L. Sturgeon, claim that the courts are the proper places to decide the constitutionality of statutes. They say that administrative agencies, composed of appointed officials, are usurping the powers of the Legislature and the courts with increasing frequency and that this measure is required to insure that appointed officials carry out their duties. The opponents, including PUC commissioner Robert Batinovich, argue that Proposition 5 would promote "administrative dishonesty" in situations where actions of the federal government supersede state law. Under present law, they maintain, agencies can act promptly to avoid conflict between state and federal actions. But if this measure is adopted, they say, an administrative agency will be required to enforce a law that has probably been rendered unconstitutional through federal action.

6 Election of Sheriffs

This proposed constitutional amendment would require that all county sheriffs be elected by the voters.

Background: Sheriffs in all 58 counties are now elected by the voters. However, sheriffs need not be elected by law in charter counties; they may be appointed. This proposition would freeze mandatory election into the constitution for all counties. The measure was placed on the ballot by 54-22 vote in the Assembly and 28-1 vote in the Senate.

Arguments: The principal sponsor of the proposition is Senator Robert Presley, former undersheriff of Riverside County. He points out that sheriffs have always been elected and that every proposal for an appointive sheriff has been rejected at the polls. He feels that this measure is necessary to assure that sheriffs will remain free of undue political influence from appointing authorities. The legislators who opposed the proposition claim that the proposal is a violation of the California tradition of local home-rule. If local voters want an appointed sheriff, the opponents ask, why can't they have one?

7 Insurance Pooling

This proposed constitutional amendment would make it clear that local governmental agencies can enter into insurance pooling arrangements.

Background: Under current statutes, local public agencies are empowered to establish insurance pools to protect themselves against four types of claims — workers' compensation, unemployment compensation, tort liability and public liability. But there is a provision in the state constitution banning a gift of public funds, and the question has been raised about the possibility that a pooling arrangement can be construed as a gift. This is because the entity contributing to the payment of a claim against another entity might be making a "gift." This measure, backed by unanimous vote of the Legislature, is designed to eliminate that possible problem.

Arguments: Senator Alan Robbins, who authored the proposition at the request of the County Supervisors Association and the city and county of Los Angeles, claims this measure will save taxpayers money because it will reduce local-government insurance costs. These expenditures have risen dramatically in recent years, and a cooperative method of coverage is one way of getting good protection at a reasonable cost, he adds. The official argument against this measure was submitted by officers of Taxpayers Unanimous and Voters Including Concerned Taxpayers Offering Real Savings. They claim that pooling arrangements result in some entities being saddled unfairly with the costs of an entity with substantial claims. They want every local agency to assume its own risks and pay for its own liability losses.

8 Homeowner Property Taxes

This proposed constitutional amendment would allow the taxation of owner-occupied dwellings at lower rates than other classes of property.

Background: The state constitution now requires that all types of property — homes, apartments, farms, stores and factories — be assessed for tax purposes at the same percentage of market value, and that all property in each

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

community be taxed at the same rate. This measure would allow the Legislature to permit taxation of owner-occupied dwellings at lower rates than other types of property. However, this measure would not permit a shift of tax burden from homes to other classes of property. This means that tax relief could be aimed at homes while ignoring the other classes if the state uses surplus funds for that purpose. This proposition was approved by a 54-15 vote in the Assembly and a 27-12 vote in the Senate.

Special effect this year: The $1.4 billion property-tax relief plan (SB1 by Senator Peter Behr), passed by the Legislature this year, is predicated on the passage of Proposition 8 because the relief is directed primarily at single-family homes. If Proposition 8 fails, the $1.4 billion program will die with it.

The Behr measure and Proposition 8 will go into effect only if Proposition 13 on the June 6th ballot is defeated — and if Proposition 8 withstands a court test. (For a more complete discussion of the interrelationship of the two propositions, see the section on Proposition 13.)

Arguments: It is difficult to discuss the pros and cons on Proposition 8 without discussing Proposition 13. However, this measure does involve some basic issues irrespective of the competition between the Legislature's tax-relief plan and the Jarvis-Gann initiative.

The sponsors of this measure, and they include Governor Brown, maintain that the homeowner has become overburdened in recent years because home values have risen much faster than the market price of other types of property. As a result, the homeowner has been saddled with a larger and larger share of the property-tax burden. Brown claims this injustice can be cured by allowing home tax rates to drop as assessments rise and to leave the rates on other classes of property as they were. The sponsors emphasize that this measure can provide only relief because reductions in home taxes cannot cause increases in taxes on rentals, businesses and farms.

The opponents include Assemblyman Dave Stirling and Senator H.L. (Bill) Richardson. They claim that there will be no real relief if tax rates drop and assessments increase, and that this measure merely adds another confusing factor to the tax issue. They also maintain that the state's renters will be hit especially hard because they pay property taxes indirectly through their rent but are not eligible for relief under this proposal. Richardson and Stirling brand this proposition as "nothing more than a last-ditch effort to keep the people from passing the Jarvis-Gann initiative."

9 INTEREST RATES

This proposed constitutional amendment would raise the maximum interest rate on court judgments from seven to 10 percent.

Background: The California constitution now provides that the maximum interest rate on court judgments shall be seven percent. This proposal would allow the rate to change with the money market, with a ceiling of 10 percent. This measure was placed on the ballot by a vote of 55-16 in the Assembly and 29-0 in the Senate

Arguments: The proponents claim that a seven percent rate is unrealistic in times when the money market is much higher. Those who owe payments ordered by the court can profit by witholding funds and paying the seven percent interest rate, while earning more on interest from the withheld cash. This proposal, they feel, will provide flexibility and provide fairer treatment for those who use the court system. In opposition, Assemblyman John J. Miller argues that if this interest-rate increase is approved, proposals to raise other interest rates will be placed on the ballot. He urges that Californians hold the line against any changes in usury laws.

10 TAXATION OF REHABILITATED PROPERTY

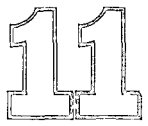
This proposed constitutional amendment would allow those who rehabilitate their homes to receive partial property-tax exemptions for five years.

Background: Under current law, there is no way local government can encourage rehabilitation of homes by granting exemptions from taxation for the increased value of the rehabilitated property. This measure and its companion legislation would allow exemptions for improvements totaling $15,000 over a five-year period for residential structures in so-called target areas. These areas are those designated for special federal, state or local improvement and preservation programs. The Senate approved this measure by unanimous vote and the Assembly by 76-2 roll call.

Arguments: This proposal has the support of industry, labor and local-government organizations. They say that present tax laws discourage people from renovating their homes because they fear increased taxes. This measure, they say, will provide an incentive rather than a penalty and help refurbish urban neighborhoods. In the long run, it will broaden the tax base by upgrading home values. They add that California has a housing crisis and this measure will help preserve marginal units. The official argu-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ment against Proposition 10 was written by Assemblyman William E. Dannemeyer, who used the space for the opportunity to pitch in favor of Proposition 13. The basic argument against this proposal is that the benefits should be available to every citizen refurbishing a parcel of property, not just to those who live in target areas.



County-Owned Property

This proposed constitutional amendment would protect counties against taxation in the event new counties are formed.

Background: Generally, property owned by governmental agencies is not subject to property tax. One exception is property outside the limits of the jurisdiction that owns it. For example, San Francisco International Airport is in San Mateo County and is subject to San Mateo taxation. This measure would prohibit a new county from taxing property within its boundaries if that property is owned by a county from which it was carved. This measure is primarily designed to cover the possibility that voters will approve new counties in what is now Los Angeles County. It was placed on the ballot by unanimous vote of the Legislature.

Arguments: The legislative and local-government sponsors of this measure claim it is necessary to allow counties to maintain the tax-free status of properties they own but which may become located in a newly formed county. The opposition, officers of Taxpayers Unanimous, decries a tax exemption for some "mythical county to be formed at some unknown future date" and argues that counties should pay taxes on property they own outside their own boundaries.

Compensation of State Officials

This proposed constitutional amendment would establish a seven-member commission to recommend salaries and other benefits for constitutional officers, legislators and judges.

Background: In 1966, California voters approved a proposition (1A) setting legislators' salaries at $16,000 a year and setting maximum increases at five percent per annum. Starting next December, a legislator's pay will be $25,555 a year. Lawmakers set their own travel allowances, daily living expenses, retirement benefits and other fringe benefits. The Legislature also sets pay levels and benefits for judges and for the governor and other statewide elected officials.

This measure would make a significant change in the way salaries and benefits are established for these officials. A new California Elected Officials Compensation Commission would be created every two years to set the pay and benefits for these officials. However, there would be limitations. Automobiles authorized by the commission could only be used for official business; health-care benefits could not be more generous than those available to civil servants; retirement rights already earned could not be reduced; the commission's pay-and-benefits resolution would not become effective unless approved by the Legislature.

The commission would consist of seven members, three of whom would be chosen by the governor from among present or former heads of the Fair Political Practices Commission, the Commission on California State Government Organization and Economy (Little Hoover) and the Personnel Board. These three would select representatives of the League of Women Voters and the California Taxpayers Association. The governor would appoint one member, as would the Judicial Council. Commission meetings would be open to the public, and members would receive $100 per day spent on official business.

The measure was placed on the ballot with three dissenting votes of legislators.

Arguments: Legislative leaders have been discussing the concept of a blue-ribbon commission for several years as a way of eliminating criticism for legislative pay increases and other benefits. In addition, some legislators feel they are underpaid and the commission system will allow for a significant increase. The sponsors of the proposal, including the heads of Common Cause and the California Taxpayers Association, claim the public outcry over previous pay increases for public officials demonstrates the public's strong dislike of the present system. Approval of this proposition, they say, will take the salary-and-benefits issue out of the political arena and place it in the hands of an independent commission where it belongs.

The ordinary citizen will find it difficult to assess the arguments against Proposition 12 just by reading the official ballot pamphlets. This is because the opposition arguments were written by lawmakers, Senator Newton Russell and Assemblyman Henry J. Mello. Russell claims the proposition doesn't go far enough because the Legislature can veto any plan it doesn't like. He wants the commission's decisions to be final. Mello claims the status quo should be retained because the only way people can control salaries of their officials is by making elective officials responsible for setting them. But there are other arguments as well:

That salaries and benefits of public officials are already excessive and this measure is designed to raise them further while taking at least some of the heat off legislators.

That many of the fringe benefits legislators receive should be taken away, but this measure leaves the door open to a variety of additional benefits, such as life insurance.

That the proposed commission will not be truly independent, since several of the members are dependent upon legislators and other elected officials for appointments or for the success or failure of their legislative proposals.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

13 JARVIS-GANN INITIATIVE

This proposed constitutional amendment would establish a limit on local property taxation and change the voting requirements for increases in other sources of government revenue.

BACKGROUND

Local government in California now receives its revenue from property taxes, sales taxes, user service charges, a variety of other levies, and from subventions from the state and federal government. The state government receives the bulk of its revenues from the personal income, sales, transportation and bank and corporation taxes. During the current year, local governmental units in California will collect about $10.3 billion in property taxes. An additional contribution of $1.2 billion comes from the state, to replace property-tax revenues lost through certain exemptions. This raises total property-tax revenues to $11.5 billion.

The property tax represents a different percentage of the total income of differing units of government: about 27 percent for cities, 40 percent for counties, 47 percent for school districts and about 90 percent for fire districts. The property tax represents about 2.7 percent of the market value of all taxable property in the state.

Previous tax initiatives

In 1968, a proposal to limit property taxes to 1 percent of value was placed on the ballot under the sponsorship of Phillip Watson, then assessor of Los Angeles County. It was defeated by a margin of about 2 - 1. Watson tried again with a somewhat different proposal four years later. It too was defeated by a vote of almost 2 - 1. Howard Jarvis and Paul Gann, the sponsors of this June's Proposition 13, have tried before to qualify tax measures for the ballot but have not been successful. They pooled their resources last year and managed to obtain a record 1.2 million signatures for this proposal.

Jarvis-Gann provisions

Here are the main provisions of the initiative:

- *The maximum property tax* shall be 1 percent of market value. This does not apply to bonded debt approved by the voters prior to July 1st.
- *The revenues from property taxes* shall be apportioned "according to law to the districts within the counties."
- *Property values* will be based on the assessments of March 1st, 1975. Thereafter, the maximum increase in assessments shall be 2 percent a year, except for new construction or parcels in which there has been a change of ownership.
- *Any new taxes* voted by the Legislature must be passed by a two-thirds vote (not the current simple majority). No new real-estate taxes of any kind may be imposed.
- *Local governmental* units may impose "special taxes" — but only by a two-thirds vote of the "qualified electors." However, no taxes on real property may be imposed.
- *The entire measure* will take effect on July 1st, except for *the two-thirds vote requirement in the* Legislature, which would go into effect immediately.
- *If any section of the initiative* were to be declared unconstitutional by the Supreme Court, all the remaining sections would remain in effect.

Link to Proposition 8

The California voter faces more than a simple yes-or-no choice on this measure. That is because the Legislature passed an alternative property tax measure, SB 1 by Senator Peter Behr. The Behr bill, which offers $1.4 billion in tax relief from state surplus funds, would go into effect only if Proposition 8 is passed and Proposition 13 is defeated. Therefore, there are several possible ways the 1978 battle over tax relief can come out. Here are five basic alternatives:

- Both Proposition 8 and 13 are defeated. There is no tax relief until the Legislature acts again.
- Proposition 8 is passed and Proposition 13 is defeated. The $1.4 billion Behr plan would go into effect immediately.
- Proposition 13 is passed, is upheld by the courts and no substitute taxes are levied. Owners of all California property would get 57 percent reductions in their property tax bills, and local governments would be forced to reduce services. (If Proposition 13 passes and is upheld by the courts, the outcome of the vote on Proposition 8 is irrelevant.)
- Proposition 13 passes and is declared unconstitutional by the Supreme Court. There would be no immediate property tax relief. However, if Proposition 8 is adopted, the state could implement the Behr bill after the court acts. But there would be legal complications, and the Legislature might have to start all over again.
- Proposition 13 passes, is upheld by the courts and replacement taxes are levied. Owners of all California property would get 57 percent reductions in their property tax bills. But they would have to pay unknown amounts of unknown new taxes.

Impact on government

There are differences of opinion as to the total loss to local government if Proposition 13 is put into effect. The estimates range from a low of $5 billion to a high of $8 billion. Most fiscal analysts in Sacramento place the loss at $7 billion. The impact would be greatest on those units of government depending most on the property tax, with some special districts being hit the hardest. Significant cutbacks would be required in some local services. The cutbacks would vary from community to community.

If replacement revenues are to be provided, they would have to come primarily from the state government, which already gives about two-thirds of its general-fund income to local government. The entire budget for state operations is less than the amount local government would lose from the effects of this initiative. In short, there is no way that state and local government could provide anything resembling the current level of services without levying alternative taxes.

The federal factor

Although Jarvis-Gann would reduce property taxes by about $7 billion, the net tax savings to Californians would be in the vicinity of $5 billion. That's because the loss of property-tax deductions would raise state and federal income-tax collections by about $2 billion.

The passage of Proposition 13 would also reduce the amount of federal revenue-sharing funds available to governmental entities in California. This is because the fed-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

eral formula is based, in part, on local taxing effort. It could also cost the state federal funding for many CETA jobs because the layoff of regular local-government employees in some cases would trigger a mechanism making a community ineligible for some CETA funds. The reason for this is that CETA employees would then be deemed to be replacing regular employees, and that's illegal.

New state tax options

What taxes would the state raise, if any, to keep local government operations running at near their current levels? That, of course, would be a tricky question for the Legislature to decide. But the only major sources of revenue are the sales, income and bank-corporation taxes. The sales and income taxes this year will produce about $5 billion each, and the bank and corporation tax collections will approach $2 billion. Thus, it would take major increases in these levies to match the losses from Jarvis-Gann.

Legal problems

In the past it has not been unusual for the state Supreme Court to declare an initiative unconstitutional, even though it has been approved by a large margin. This could well be the fate of Proposition 13, despite the clause saying that only those sections found unconstitutional will not become operative and that the remainder of the measure will remain in effect. However, the court could throw out the entire package if it finds that an unconstitutional provision is central to the entire scheme.

Here are some of the legal issues that have been raised by Professor Sho Sato of the University of California's Boalt School of Law:

- How are the property-tax revenues to be divided? The initiative says "according to law," and there is no law. What would happen if the Legislature refused to pass such a law? And do cities and counties qualify as "districts" under the distribution provision of the initiative?
- How are cities supposed to retire tax-increment bonds frequently used to fund redevelopment projects? These bonds are retired from the growth in property tax revenue from the revitalized land. Would they become general-obligation bonds, or would cities default?
- How are assessors to place a value on properties that decrease in value after the base date of March 1st, 1975? Would the 1975 value be preserved? Sato claims there is no apparent mechanism for reducing assessments on such parcels.
- Is it legal to place a 2 percent limit on annual increases in value for those properties that do not change hands, while allowing full reassessment of those that are sold? Is this a violation of the equal-protection clause of the constitution?
- Does this proposal freeze charitable exemptions and

Behr and Jarvis comparison

Here is what would happen if either of the two rival tax-relief plans were to go into effect:

Jarvis	Behr
HOMEOWNER RELIEF	
Statewide property tax rates would be reduced about 57 percent. The tax rate would be based on about 1.25 percent of value (1 percent plus funds for retirement of bonds).	Statewide, the average property tax relief would be 32 percent in the first year and about 35 percent in four years.
OTHER PROPERTY OWNERS	
The 57 percent cut would apply to factories, apartment houses, farms and other classes of property.	No direct relief.
RENTERS	
No direct relief. (Landlords could, however, pass on their savings in property taxes to tenants through lower rents.)	The income-tax credit for renters would be increased from $37 to $75 a year.
SENIOR CITIZENS	
Nothing beyond general homeowner relief.	Homeowners over 62 with incomes below $13,000 a year would be eligible for additional property-tax exemptions. Renters over 62 also would get improved benefits. These senior-citizen benefits work on a sliding scale based on income.
ASSESSMENT FEATURES	
Rates would remain the same for all classes of property.	For the first time, rates could be reduced for owner-occupied homes, while rates remained at a higher level for other classes of property. (See Proposition 8 description.)
GOVERNMENT SPENDING	
Establishes two-thirds vote requirement for increases in state taxes and for voter approval of new local taxes.	Places limits on increases in state and local governmental spending. The maximum annual increases under this provision have been estimated at 8 percent for local government and 12 percent for the state. But these figures could vary significantly with an overall change in economic conditions.
OTHER TAXES	
Californians would pay about $2 billion of their tax-relief money in higher income taxes. They might have to pay additional state and local taxes to make up for the loss from the property-tax base.	The entire program would be financed from current state surplus funds. There would be a $400 million increase in state and federal income-tax collections through loss of property-tax deductions.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

prevent changes in the method of taxing open-space lands and agricultural preserves?

- What does the term "qualified electors" mean in the local two-thirds-vote section? Does it mean those voting, those registered to vote, or those of voting age? Is this item so central that the entire initiative could be thrown out because of the vagueness of "qualified electors?"

ARGUMENTS

Pro: Government spending at all levels has gotten out of hand, and drastic steps are needed to bring matters under control.

Public officials are under the thumbs of militant employee organizations, which have obtained excessive benefits at the expense of the taxpayer. This initiative, in effect, is a taxpayer's bill of rights.

By voting for this initiative, Californians can once and for all put an end to big government and high taxes.

Passage of this measure means a $5 billion, not a $7 billion, loss to local government. And this amount can be absorbed by the state and local government without any curtailment of vital services. As Assembly Republican leader Paul Priolo declared, "It means public officials will have to go to work."

The property taxes provided under Jarvis-Gann will be more than enough to pay for police, fire and other services directly related to property.

State Controller Ken Cory has reported that even after this proposal goes into effect, the state and local governments will still collect some $33 billion a year from the taxpayers. That's plenty to run government in California.

Without a measure of this sort, rents would keep rising. But this will prevent an increase and even make reductions certain because landlords will pass their savings on to tenants.

The state now has a huge surplus that can be used to make sure that the most vital of services are not curtailed.

Business and agriculture in California need help to keep the California economy booming. This measure will make it possible for homeowners and businesses to make improvements at lower cost, thus putting a charge into the economy. By helping to stimulate business activity, this initiative will create thousands of new jobs in the private sector.

The rapid increase in property taxes in recent years, especially on residential property, has put an unreasonable burden on many citizens. This initiative will bring the property tax within the ability of most Californians to pay.

Mortgage payments will be reduced by this initiative in virtually all cases where property taxes are collected via the impound-account method.

About 15 percent of all governmental activity is waste. This measure will cut much of that waste.

Above all, this measure provides an outlet for public frustration with spendthrift politicians and pressure groups which keep boosting the expenditure of tax dollars without regard for the general citizenry. This is the ordinary citizen's way to go on strike and tell the politicians that, even if Proposition 13 does create chaos, the years of profligate spending have come to an end.

Con: This measure, if approved, will lead to economic and governmental chaos in California. Unless new taxes are imposed, there is no way that local government can maintain police, fire and school operations at near their current levels.

If this initiative is approved, it will eventually end California's tradition of home rule. If cities, counties and special districts become more dependent on state and federal funds, they will also be controlled by a mass of state and federal laws and regulations. Big-Brother centralized government will be the product of Proposition 13.

Nobody knows what the precise result of this proposal will be because it is so vague and incomplete. Some homeowners will even suffer losses from Proposition 13 when alternate methods of taxation are imposed.

Passage of this measure will be a bonanza for the federal government, because California will lose subventions from Washington and will contribute more in income taxes.

This proposal hurts most that level of government which can afford the losses the least — local government. If there is a great deal of waste in government, it is probably at the federal level. And this measure sends even more California cash to Washington.

In the past few years, the homeowner has been the prime victim of escalating home values and property taxes. But this measure gives relief to all classes of property, regardless of need.

There is no direct aid in this plan for renters, and it might well be called the landlord's enrichment act of 1978, because owners of apartments will get massive amounts of property tax relief. It may be necessary to establish a rent-control system to guarantee that the benefits are passed on to tenants. Renters are doubly jeopardized because they will have to bear the full burden of any new income and sales taxes imposed to compensate for property-tax losses.

If police and fire services are cut back, Californians will have to pay much higher rates for fire insurance and some other types of liability insurance.

This measure would reduce the ability of local government to construct the kind of facilities needed to provide economic expansion in our communities.

This measure has serious constitutional problems. If it is thrown out by the courts, citizens will feel even more frustrated than before, and they may get no immediate property-tax relief. Some provisions of this measure would jeopardize bond issues, establish different assessments on identical pieces of property and make it impossible for voters to approve increases in local taxes if the term "qualified electors" means all those citizens of voting age.

While concerns over government spending and high taxes may be valid, this measure is irresponsible.

Supporters and opponents

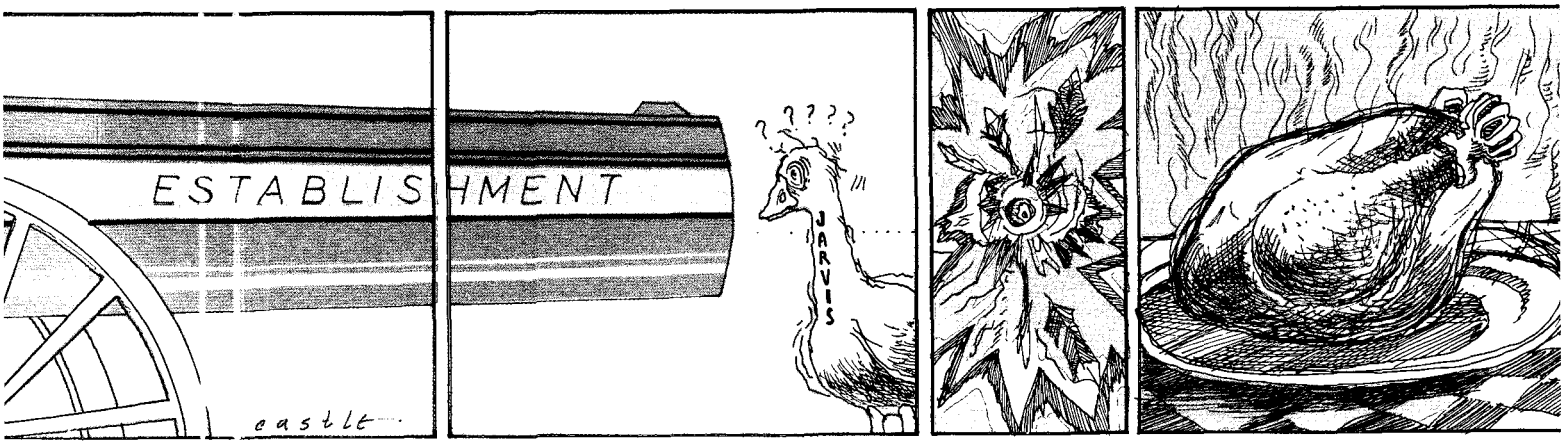
This initiative is sponsored by Howard Jarvis of Los Angeles and Paul Gann of Sacramento. Jarvis is the head of the United Organization of Taxpayers and an official of the Apartment House Association of Los Angeles County. He has been active in Republican politics for many years, and has run for office unsuccessfully several times. Gann is a retired realtor who runs an organization called People's Advocate, Inc. He gathered signatures north of Santa Barbara, while Jarvis handled the more populous southland. Relatively few organizations have announced their support for Proposition 13. Among the supporters are the Farm Bureau, the Santa Barbara County Taxpayers Association, Republican gubernatorial candidates Ed Davis and John Briggs, and Assembly Republican leader Paul Priolo.

The campaign against Proposition 13 is being managed by a Los Angeles and Sacramento campaign management firm, Winner/Wagner. Funds for the campaign are being provided by numerous organizations, many of them representing public employees. Among the opponents: California Taxpayers Association, California Tax Reform Association, California Fire Services Coalition, State Board of Education, California Labor Federation AFL-CIO, League of Women Voters of California, California Teachers Association, Common Cause, League of California Cities, California Supervisors Association, California State Employees Association, Sierra Club, Governor Edmund G. Brown Jr., Superintendent of Public Instruction Wilson Riles, Assembly Speaker Leo T. McCarthy.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Specter of 'Black Wednesday'

How the Establishment destroys unwanted initiatives like Jarvis



By TONY QUINN

It is the day after the primary. Politicians are leaping out of Capitol windows. School administrators are boarding up deserted buildings. A tumbleweed blows undisturbed through the vacant streets of downtown Sacramento. Homes burn and businesses are sacked, as fire and policemen are nowhere to be found. Historians dub this "Black Wednesday" — for the dread Jarvis initiative has passed.

A likely scenario? Not really. The Jarvis initiative indeed may pass, but California's governmental establishment, with the benefit of a half-century of experience, knows how to deal with unwanted initiatives. The fact is that even if Jarvis passes, the world won't come to an end, and the state won't stop. As a matter of fact, it would be surprising if anything happens immediately.

Time-tested means

Drastic initiatives are nothing new, and the Legislature and the courts learned long ago how to blunt their thrust. Thirty years ago a sponsoring group managed to qualify and pass an initiative to name the group's secretary as director of welfare, and to increase aid programs radically. The Legislature responded by simply refusing to go along. It placed a repealing amendment on the next state ballot, and got the scheme reversed. That same year a "California Bill of Rights' pertaining to pensions, Indians, ministers, gambling and reapportionment made it onto the ballot. This time the courts stepped in and threw the initiative off the ballot because it substantially revised the constitution under the guise of a single amendment.

State officials deal with undesirable initiatives in several ways, both after the initiative has qualified and before it is voted on. Later, after it has passed but before it goes into effect, other techniques have been used. All of these strategic ploys would make a Patton or a Rommel proud. Here are some of the time-tested means of rendering initiatives inoperative:

- ***Defensive action*** – This is put into effect before the vote on the initiative, to convince the people they really don't want to pass it. Several times this has been achieved by placing an even more attractive, but less drastic, counter-initiative on the ballot — and then declaring that the initiative receiving more votes would go into effect.

A variation on this has beeen part of the Legislature's moves in the Jarvis scramble. Proposition 8 was placed on the ballot by the Legislature last year, as a means of splitting the property tax rolls so that homes could be taxed at a lower rate. Before the Behr property tax relief bill can go into effect, Proposition 8 must pass and the Jarvis initiative, Proposition 13, must be defeated. Thus the stage is set to pit Proposition 8 against Proposition 13. With alternatives, the voters can be told: Go for 8 and you won't need 13.

- ***Pre-emptive strike*** – The Behr bill represents this more traditional legislative response to a disagreeable initiative. It too is a defensive measure, but one capable of greater impact. The Legislature, in effect, makes the initiative unnecessary by enacting its major provisions in a milder form. In 1976, the threat of the anti-nuclear power plants initiative led the Legislature to enact three laws

Tony Quinn, a frequent contributor to the Journal, *is the co-author of a book on California public administration soon to be published by the California Journal Press.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

which in the end accomplished much the same thing, and helped defeat the more extreme initiative two to one. The Legislature tried to head off the 1974 Political Reform Act by enacting several of its major provisions, but this was a case of too little too late.

But for the most part, the pre-emptive strike succeeds. The Legislature went ahead and funded the Agriculture Labor Relations Board in 1976 under the threat of a farm labor initiative which would have taken the board largely out of the hands of the Legislature. The initiative went down once the Legislature had acted. It is a calculated gamble, but history suggests the Behr bill could do the same thing to Jarvis.

It is an interesting reflection on modern democracy, if not an entirely satisfactory one, that when the public holds a cocked pistol to government's head, legislation is quickly forthcoming. Then the public can agree to holster its gun. As most legislators frankly admit, the 1977 property tax logjam was broken only when Jarvis stared them in the face.

• ***Confuse and conquer*** – In the past decade not a single tax shift or tax reform initiative has passed, even the attractive Watson initiatives or Governor Reagan's Proposition 1 in 1973. The reason may be a preference for the known evil over the unknown evil. Everyone knows what today's tax burden is like, and indeed each reform initiative promises relief for somebody. But whom? Opponents of Jarvis say its passage will mean a rise in income and sales taxes — but whose income taxes and whose sales taxes? Jarvis opponents will encourage such questions between now and June 6th.

Offensive options

Even if such defensive pre-election measures don't work and an angry electorate passes an initiative, there exists a series of post-election offensive options available to the Legislature and local government. The Legislature can rush a repealing amendment onto the next ballot, hoping the public will have had second thoughts. And there are various delaying tactics available. The best of these is to toss the whole problem into the lap of the courts.

Courts in America are a marvelously effective institution for obfuscating the popular will. An initiative launched overwhelmingly by the voters can sink slowly into a sea of litigation, never to be seen again.

In 1964, the people and the politicans struggled all year over an initiative to repeal California's fair housing laws. The campaign for and against it overshadowed even the presidential campaign that year, affected several partisan races and perhaps even cost a U.S. senator, Pierre Salinger, his seat. The fair housing repealer passed two to one, but two years later the California Supreme Court held the people could not do what they had done. The Court said that to repeal the fair housing law involved the state in racial discrimination and this could not be. The U.S. Supreme Court upheld the California ruling. A 1972 anti-busing initiative was similarly thrown out, even though it passed with 60 percent of the vote.

The courts are on sound footing when they say the state cannot enact racially discriminatory legislation, even through an initiative. But some observers contend it would make more sense to tell the voters that before they vote, rather then letting them discover after the heat of the campaign that they could not do what they thought they just did.

The Jarvis initiative may not be as clearly unconstitutional, but questions already have been raised over the provision which requires a two-thirds majority of *all* qualified voters to pass a tax increase. Other provisions dealing with homeowner taxation also are suspect. If Jarvis passes, the courts undoubtedly will hear all about it. And if it is their pleasure, they will find reason to void the entire initiative.

Getting the message

At the least, court challenges probably would delay the effective date of the Jarvis provisions, thus giving the Legislature additional time to figure ways to get around its more onerous parts. California officials have nearly 70 years of experience with initiatives, and many view them as ever-threatening ogres which can unsettle the best-laid plans of government. In some cases, officials have simply ignored those initiatives which make a social statement the Legislature or the governor do not agree with. When the 1972 vote against school busing was thrown out by the courts, nobody made any effort to forge a constitutional anti-busing law. Nor did a large vote against decriminalizing marijuana in 1972 stop the state from approving decriminalization three years later. Some people viewed the 1976 nuclear vote as a green light to develop nuclear power plants in California — but both Governor Brown and the Legislature have proceeded with notable caution. The overwhelming vote against the farm labor initiative did not lead the Legislature to repeal or modify the controversial access rule, which was the central issue in the election.

Ignoring Jarvis may be a little harder to do, since its provisions mandate various actions and leave little room for interpretation. It could be considered a referendum on property taxes versus other forms of taxation, but most observers believe a pro-Jarvis vote would be saying: "No taxes at all." If that is the message, it is likely the state — faced with the need to provide basic services in a time of inflation — will find it hard to heed.

The initiative is a peculiarity of government found in a number of states with a progressive tradition. Men like Hiram Johnson, who brought the initiative to California, believed in direct democracy: popular decision-making whenever possible. Other reforms of the progressive era, such as direct election of senators and party primaries, fit nicely into the American political context. But the initiative often pits special interests against elected officials, which is one reason why officials dislike it so. And the initiative is susceptible to abuse. A man named Joe Robinson once ran a campaign service which, for a set fee, would qualify and pass initiatives at the whim of any paying interest, and even offered refunds if he failed. In the years after World War I he enjoyed considerable success.

The modern initiative is more often a club to prod a recalcitrant Legislature or governor to take some action, and there is no better example of this than Jarvis. Whether it passes or whether the Behr bill will prove enough to head off stampeding homeowners, this initiative — like others before it — has already had its effect. It has crystalized an issue and brought some concrete results. Without the threat of the Jarvis initiative, the debate on property taxation might have barely begun.

An easy way to order subscriptions and books.

Master Charge, Visa and **BankAmericard** cards may be used to purchase subscriptions and books from the *California Journal*. When ordering, send just the card number — not the card itself — and we'll take care of the rest of the paperwork. Send your orders to the *Journal* at 1617 10th St., Sacramento 95814.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A conducted tour of the Governor's office

By Cynthia Roberts

When a typical California citizen visits the state Capitol, he or she is bound to want to see the Governor's office. But the Governor and his aides are nowhere in sight. All the tourist sees is a large room run by an efficient, pleasant receptionist, and perhaps an empty meeting room with a temporary art display on its walls.

This disappointingly quiet area is deceptive, for the citizen visitor is standing at the approximate center of the executive suite. It may look like the dullest spot in the Capitol, but that's because the offices of the Governor's staff completely surround the reception area. There are even several offices across the main corridor that separates the Senate and Assembly halves of the Capitol complex (see illustration).

Including the receptionists, the Governor's office is divided into 14 units with 98 employees. The total budget for the office is about $3 million a year, about three-quarters of which goes for salaries and employee fringe benefits. The staff is about the same now under Democrat Jerry Brown as it was under Republican Ronald Reagan. However, all governors can borrow specialists temporarily (or even permanently) from other state departments.

Gray Davis, Brown's chief of staff (now on leave to direct the Governor's reelection campaign) says he has made a conscious effort to prevent staff expansion. He feels it is preferable to have those on hand overworked than to have secretaries and administrative assistants looking for work part of the time. Here is a rundown of the 14 units, including salaries of those earning $20,000 or more. (Each section also has a number of administrative assistants or secretaries earning between $10,000 and $18,500.)

• ***Governor's secretaries.*** Lucie Gikovich ($24,936), the Governor's administrative assistant and personal aide, supervises the other two secretaries who handle the Governor's paperwork. She also takes personal calls for Brown and works closely with scheduling director Peggy Jellison. If anyone wants the Governor to attend an event, Gikovich is the one to contact. She knows what he does and doesn't want to do.

• ***Chief of Staff.*** Gray Davis ($43,620), is assisted by Mark Lubow ($26,508), a special assistant. Davis has the task of handling the daily nuts and bolts of running the office, and he also helps Brown generate political and governmental ideas. He has served as Brown's main contact with the media and has been the chief architect of Brown's personal austerity program. Davis presides over about half of the cabinet meetings and serves as a policeman who funnels issues of importance to the Governor, while keeping those of lesser urgency on the back burner. Lubow sorts through the mounds of information that flow through the office each day. He makes a summary of material that needs attention, and helps with correspondence and telephone calls.

In March, Davis left the job for the duration of the Governor's campaign for reelection. He was replaced by Richard Silberman, business and transportation secretary. Davis is expected to return to his post in the Governor's office if Brown wins a second term.

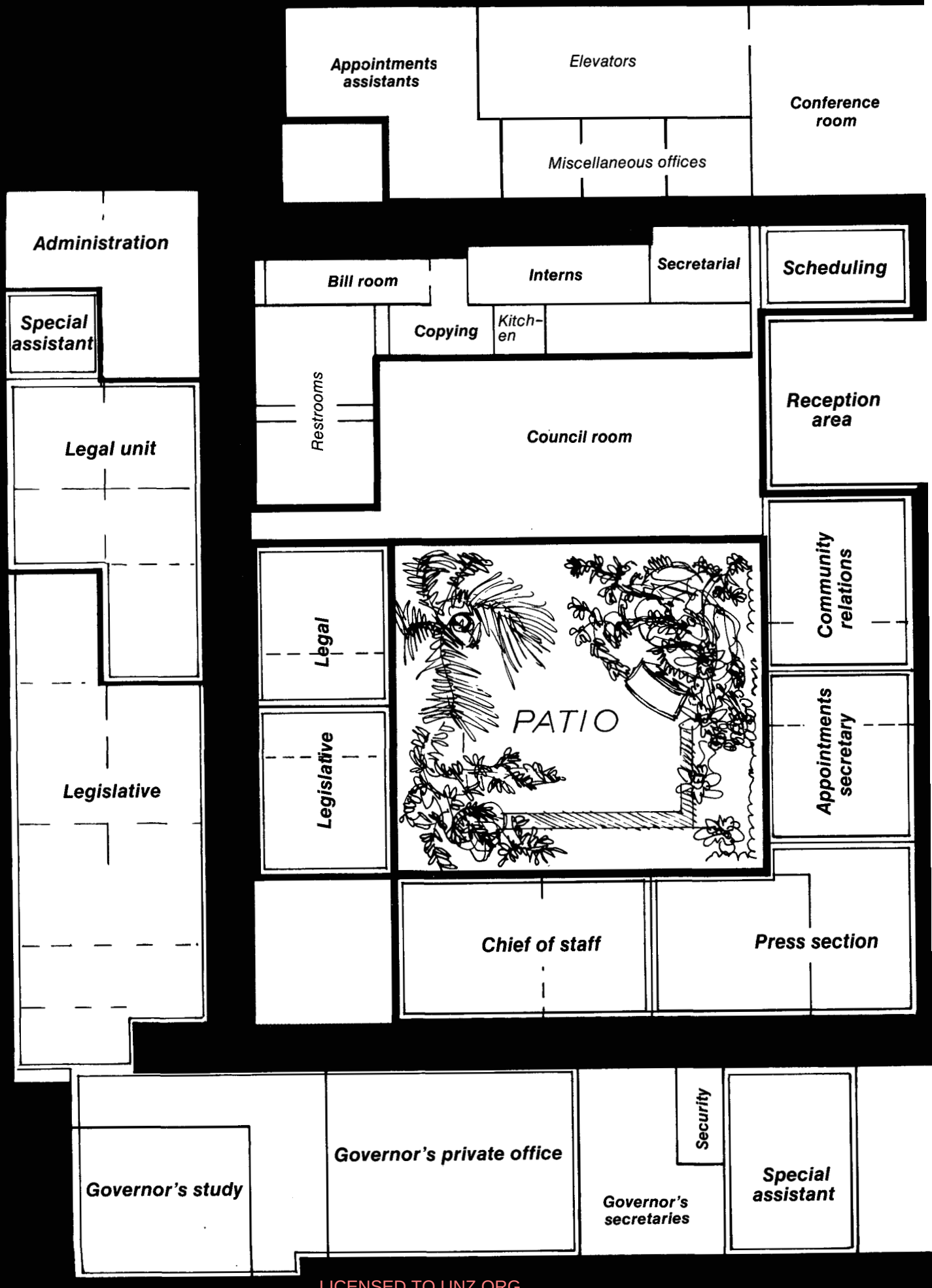
• ***Special assistants.*** Jacques Barzaghi ($26,508) holds the title of administrative liaison, but is really Brown's cultural attaché and Zen companion. Wilson Clark ($37,620) is Brown's main man on energy, especially the development of solar power. His office is outside the Capitol in the Office of Planning and Research. (This office is directly under the Governor's control but is not included in this breakdown of the executive suite.) Rusty Schweickart ($37,620, half paid by the federal government) is the National Aeronautics and Space Administration ambassador to California. He works on space and some energy projects. Stewart Brand (part-time) of *Whole Earth Catalog* fame, is Brown's "talent scout and idea merchant," according to Davis. Brand promoted Whale Day and Space Day.

• ***Press section.*** Press Secretary Elisabeth Coleman ($37,620) and Assistant Press Secretary Barbara Metzger ($24,396) have played smaller roles in this administration than press officers have in previous administrations. This is

---

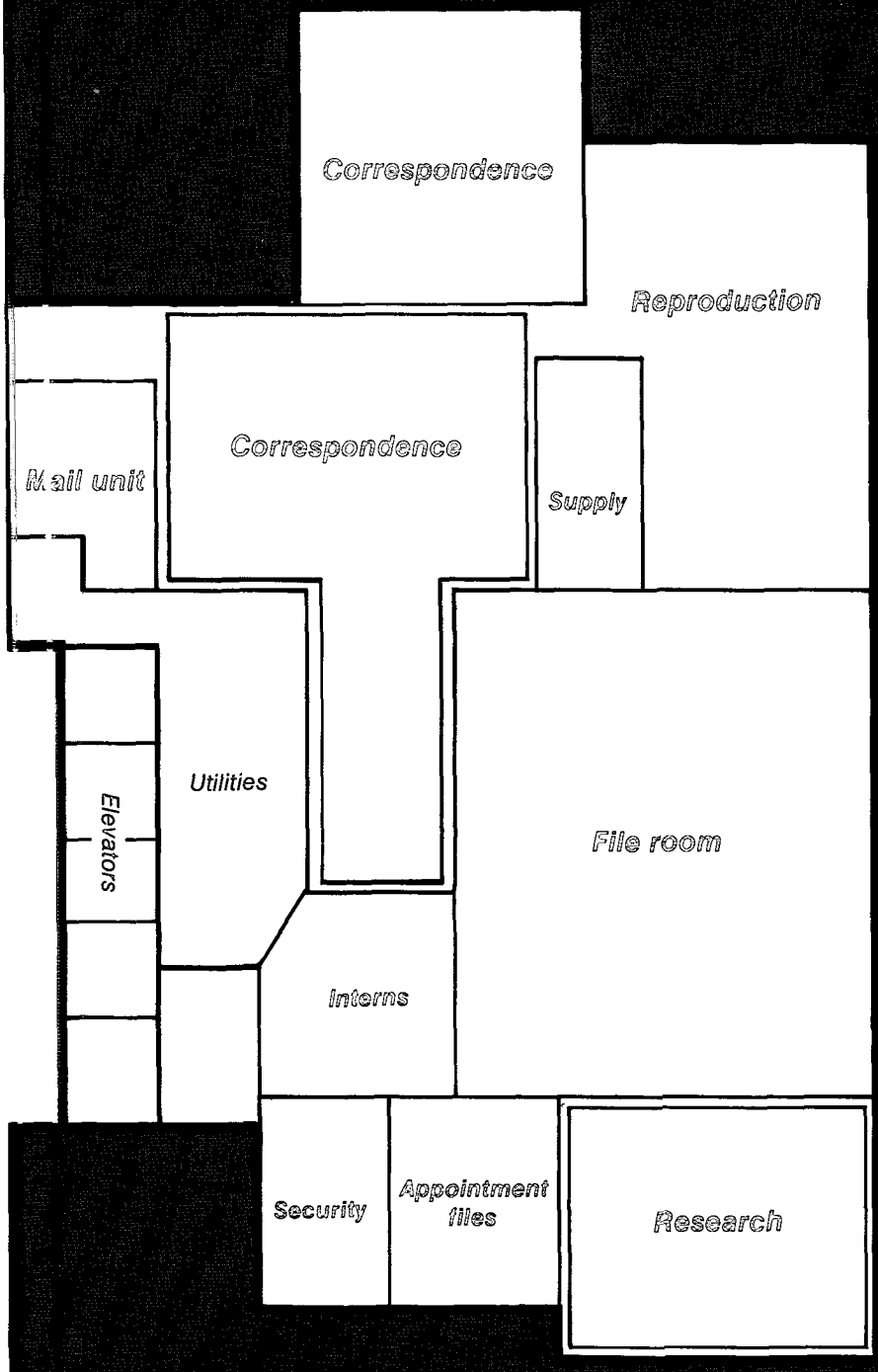
Cynthia Roberts wrote "The outrageous B.T." in the December 1977 Journal.

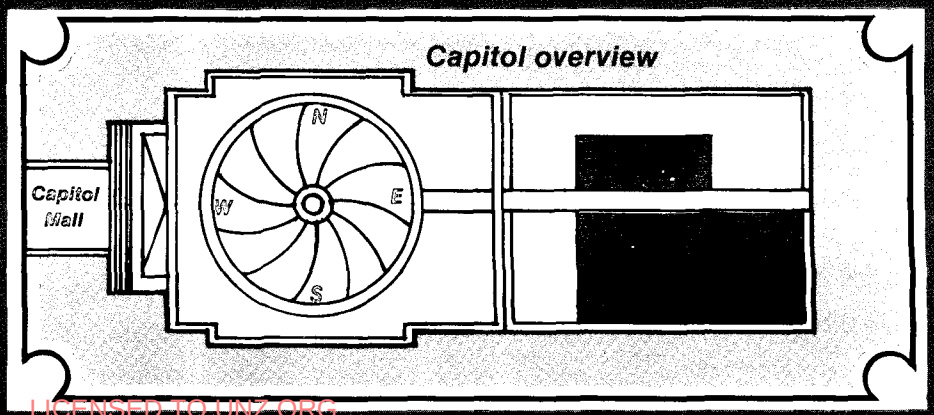
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

California Executive Suite





LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

because Davis has personally handled much of the major-issue contact work with reporters. Coleman and her crew write and distribute press releases, keep the Governor informed with three wire-service reports each day and prepare a daily news summary for the Governor and key staffers.

• ***Legal affairs.*** Secretary Anthony Kline ($37,620) handles all issues involving law, courts and the prisons. He is also the key individual in the selection of judges. Deputy Secretary Patti Jo McKay ($26,508) helps Kline with the processing of criminal matters, and Assistant Secretary Allen Sumner ($15,576) assists on civil matters. Kline represents the Governor in dealing with the Legislature on a variety of issues.

• ***Legislative secretary.*** This pivotal section is headed by Anthony Dougherty ($37,620), a strategist who understands the games people play in the Legislature. B. T. Collins ($30,708) works the Assembly, and Diana Dooley ($24,396) is responsible for lining up votes in the Senate. The unit also has a crew, headed by attorney Robert Williams (technically on loan from the Department of Transportation), which maintains an information-and-analysis file on each bill. At bill-signing time, Williams is on hand to answer Brown's questions. Williams has been advising governors of both parties since 1963 and often knows the history of an issue. He is assisted by Gino Lera ($33,852), Jim Neff ($26,508) and others.

• ***Appointments.*** Secretary Carlotta Mellon ($33,852) and her deputy, David Rosenberg ($26,508) are responsible for keeping track of the 2,072 appointments the Governor must make. Every six months, a vacancy list is sent to the Governor, and Mellon attempts to keep Davis aware of which positions need the most immediate attention. Mellon plays an especially large role in handling vacancies on boards and commissions. Kline handles judgeships, and major policy posts are reviewed in detail by Davis and Brown. Two clerks maintain a room filled with file cabinets containing the resumés of applicants for positions.

• ***Administration.*** Rudy Ahumada ($30,708) runs the "business office" of the executive complex. This section hires clerical employees, supervises the correspondence unit and the receptionists, and handles the payroll and bookkeeping for the entire staff.

• ***Correspondence.*** The seven staffers in this agency, none of whom earn more than $20,000 a year, read all the mail and direct each letter to the appropriate department. They also answer mail, using two "composer machines" that reproduce a variety of form letters. All correspondence is filed by subject matter and writer. This section also handles copying, supplies and interoffice mail.

• ***Scheduling.*** Director Peggy Jellison ($20,208) receives a large number of invitations addressed to the Governor. Some will be declined immediately. Others will be discussed with Lucie Gikovich. Jellison must handle the calls of citizens who are seeking commitments for the Governor's attendance at social or business functions. Brown himself decides where he wants to go each day and when he wants to get to each place. Jellison sets out a daily agenda for the Governor to review, after receiving information from Gikovich.

• ***Receptionists.*** Two secretaries, highly skilled at dealing with the public and handling the assortment of characters that find their way to the Governor's office, split half-day shifts at the reception desk. They have direct lines to top staffers and to the state police.

• ***Community Relations.*** Assistant to the Governor Percy Pinkney ($26,508) runs Brown's office of outreach to communities throughout the state. A special effort is made to maintain communications with minority leaders. Pinkney supervises a team of community specialists in San Diego, Los Angeles, San Francisco, Fresno, Bakersfield, Oakland and Sacramento.

• ***Volunteerism.*** Assistant to the Governor Charles Baldwin ($33,852) heads a relatively new unit designed to promote the development of volunteer programs in the fields of environmental problems, health care, criminal justice, education and neighborhood development. The office is located outside the Capitol building in state Office Building Number One.

• ***Los Angeles office.*** Administrative Assistants Teresa Bird and Philip Froomer run the Governor's headquarters in Southern California. They handle correspondence, telephone calls and outreach services. The office is also a source of information on administration policy.

Coming soon from the California Journal Press

California Public Administration

By T. Anthony Quinn and Ed Salzman

This new book, scheduled to be published this month, will describe the inner workings of state government — how decisions are made in all branches of state government, with special emphasis on administrative agencies. Sections will be included on the top executives, the regulatory agencies, the Legislature, the judicial system, education and the bureaucracy. The administrative agencies will be covered from three angles — those which provide direct public services, those which establish or implement public policy, and those which are essentially internal organs of government.

Although this paperback, large-format book is designed primarily for classroom use by students of public administration, it will also be a useful tool for anyone seeking to understand how state government works.

The price: $5.25, including tax. Copies may be ordered now from the *California Journal Press*, 1617 10th St., Sacramento 95814. Postage and handling are free on prepaid, Visa and Master Charge orders only.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The growing use of tradeoffs to solve development problems

It might appear that the Brown Administration is breaking new ground in demanding that Standard Oil of Ohio spend a fortune to help eradicate smog in the Los Angeles area in exchange for the permits to build an oil tanker terminal at Long Beach. In order to get the environmental clearance the firm would be required to spend almost $100 million on projects that have nothing to do with the transporting and handling of Alaskan oil. Tom Quinn, chairman of the state Air Resources Board, is in position to drive a hard bargain with SOHIO because the firm and British Petroleum have invested $5 billion in Alaska and need the Long Beach connection desperately. The alternative to shipping the crude oil east via a pipeline from Long Beach would be transportation by tanker through the Panama Canal.

But this tradeoff device is not new to the Brown Administration, even though it involves far more money than any previous deal. Only last year, Governor Brown used the tradeoff device when Pepsico came to the state for a waiver of the liquor laws so that it could acquire the Pizza Hut chain. Brown's price: location of new pizza restaurants in areas of high unemployment and the hiring of hard-core minority unemployed. Pepsico bought the deal. It couldn't very well sell pizza without beer.

Nor was the tradeoff invented by the Brown Administration, although it is apparently of California origin. It has been employed by the state's pioneering environmental-protection agency, the San Francisco Bay Conservation and Development Commission (BCDC), for many years. The following article describes how BCDC developed the art of "mitigation," as it calls it, and how successful the system has been.

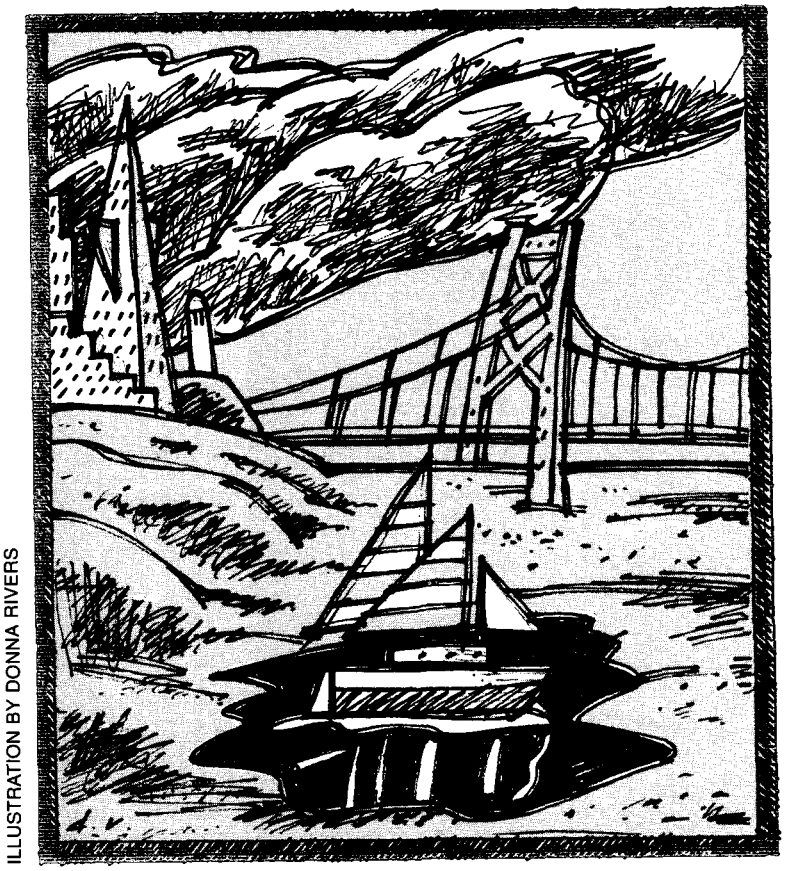


ILLUSTRATION BY DONNA RIVERS

By ROBERT FEINBAUM

In June last year, the industrial town of Emeryville on the east shore of San Francisco Bay was slapped with a $250,000 fine. The reason: dumping an illegal 4.7 acres of fill into the bay. The agency dishing out the penalty was the San Francisco Bay Conservation and Development Commission (BCDC).

Back in 1970 the commission gave Emeryville permission to fill 7.8 acres for a new marina development. As the project progressed the city came back for seven amendments to its original plan, none of which specified that there would be further filling. When Emeryville came back for an eighth change, the commission's staff discovered the unauthorized fill.

Conservationists were irate. The Save the San Francisco Bay Association charged that "the Emeryville fill shows disregard for the values of the bay as a regional resource." It urged BCDC to "require prompt removal of unauthorized fill" and to "assess a meaningful penalty" to the city. For its part, the city claimed that it would cost more than $1 million to remove the fill and that dumping the spoils in another location would cause new environmental problems.

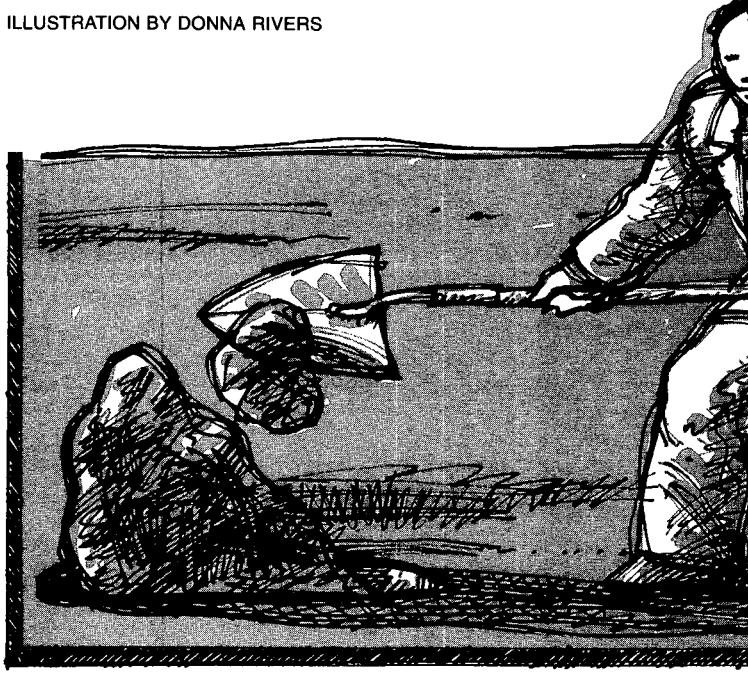
Finally the commission granted the permit but specified that the $250,000 fine should be used to provide improved pedestrian and bicycle access to the waterfront from the low-income flatland areas of Oakland and Berkeley. However, BCDC rejected an amendment to require the city to pay for those improvements entirely from local property taxes — a move conservationists thought would impress the seriousness of the situation on other potential illegal bay fillers.

It was a typical BCDC solution. Neither side was entirely satisfied, but both parties seemed able to live with the outcome. And as a result, San Francisco Bay may become a bit more accessible to people in nearby urban areas. Steve McAdam, Save the Bay's coordinator, said BCDC "didn't

Robert Feinbaum, a Berkeley social scientist, is a frequent contributor to the Journal.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ILLUSTRATION BY DONNA RIVERS



exactly do what we wanted, but it didn't let the city get off for nothing, either."

During the long legislative battles over the creation of BCDC, hardly anyone could have expected that the commission would become proficient in the art of compromise. It was viewed as a confiscatory monster by those seeking to protect development rights, and heralded as the dawn of a new environmental era by those who pushed legislators into supporting the concept.

The campaign to save San Francisco Bay was started after the Army Corps of Engineers published a report showing that the bay would become little more than a ship channel within a century if filling projects were not checked. Then-Assemblyman Nicholas C. Petris of Oakland pushed legislation calling for a moratorium on filling while a study was conducted on the future of the bay. Developer interests won the first rounds, and Petris was stymied. Then the late Senator J. Eugene McAteer grabbed the issue and conducted a series of public hearings on the problem. In 1965, McAteer and Petris succeeded in winning passage for a bill establishing a powerful BCDC, which could control filling for four years while completing a long-range plan for the bay.

The commission published a detailed plan that was anathema to those with plans to develop the bay shoreline. The plan and the bill to implement it were opposed by real-estate interests generally, who said the plan was a means of taking property without compensation, a form of inverse condemnation. But environmentalists placed unprecedented pressure on 1969 legislators. Those from the Bay Area who might have voted against the bill to establish BCDC on a permanent basis knew that they would be risking their political careers if they didn't support McAteer and Petris.

'Young Turks' to the rescue

The bill would probably have died if a change of command had not taken place in the Senate only a short time before the bill was scheduled to be debated. As it happened, the bill came to a vote during the relatively brief period that Senator Howard Way and the so-called "Young Turks" held control of the Senate. Way and Petris ramrodded the bill through the Senate and onto the desk of Governor Reagan, who signed it into law.

Not only was BCDC given jurisdiction over the bay itself, but also over the diked saltponds, the managed wetlands and an area extending 100 feet landward from the shore. Anyone wishing to "place fill, to extract materials or to make any substantial change in use of any water, land or structure" within BCDC's jurisdiction must obtain a permit from the commission. The legislation clearly specified that filling of the bay "should be authorized only when public benefits from fill clearly exceed public detriment from the loss of the water areas, and should be limited to water-oriented uses." Furthermore, fill would only be allowed "when no alternative upland location is available."

Any filling or dredging in the bay, any development on the shore wholly or partly within 100 feet from the shoreline, or any substantial change of land use (meaning any construction costing more than $50,000 or any change from agricultural to residential, commercial or industrial use) require permits from the commission.

Those controls have drastically cut the rate of bay filling. From 1940 until 1965, over 57,000 acres were filled. Bay waters were disappearing at a rate of 2,300 acres per year. But during the three years the commission was developing the bay plan, it authorized just 376 acres of fill. Much of that was for public projects at San Francisco Airport and at the ports of Oakland and San Francisco.

Since the commission became a permanent agency, it has actually opened up more area to the surface of the bay than it has granted permits for fill. From 1969 on, the commission authorized about 180 acres of fill. But in those same years it has gotten nearly 280 acres of diked-off lands open. As a condition for approving several major permits, BCDC required the applicants to "restore tidal action to diked-off dry areas in exchange for the adverse environmental effects of the projects. For example:

- In return for a permit to fill bay waters for approaches to the new Dumbarton Bridge, the California Toll Bridge Authority agreed to open at least 200 acres of dry land.
- The Golden Gate Bridge District was required to restore at least 125 acres of new bay tidal marsh, as a condition for construction of its Larkspur Ferry Terminal.
- And for several marina developments, the commission was able to have land dredged, effectively adding to the surface of the bay.

The key to mitigation

BCDC Executive Director Charles Roberts calls the evolving philosophy "zero net fill." This is different from a total ban on shoreline change, he says:

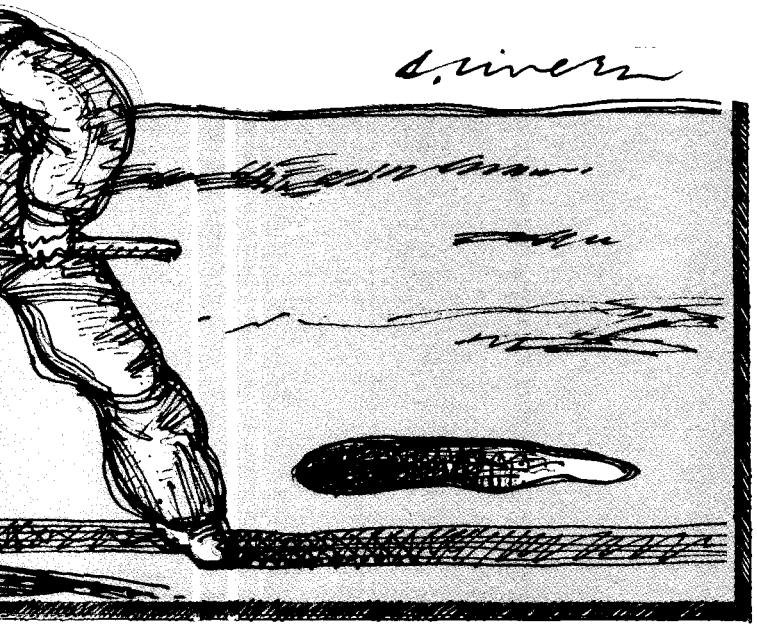
"Some people have argued that BCDC ought to 'fix' the shoreline, so it never gets any smaller. If we do that, how is anyone going to develop? The idea of zero net fill is to let the shoreline change, but try to balance the amount of fill for authorized uses by breaching dikes or dredging to open up the bay."

This balancing of private and public interests is called "mitigation." Some developers regard it as a gentle form of blackmail. But Roberts contends that if a developer is using the bay for his project, "then he has to give up something for the public to balance it." Not only does the commission insist on mitigation for every bay fill, but it has been increasingly successful in obtaining concessions from developers of projects within the 100-foot shoreline band.

The McAteer-Petris Act found that "existing public access to the shoreline and waters of the San Francisco Bay is inadequate." It therefore required that "maximum feasible public access, consistent with the proposed project, should be provided." Nearly every recent permit for shoreline development has included some form of public access. As a result, during the commission's first five years the amount of accessible shoreline increased by more than five miles. Since 1974, another six miles of public access have been provided.

Public access need not mean a park, although that's the way some people initially thought of it. As Roberts says,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



access "can run from open ground to pathways to places to fish." A new fishing area was opened to the public at Point Isabella surrounding the Post Office Building in Richmond. A tower was built at the Port of Oakland's Pier 7 for public viewing of ships loading and unloading.

Growing sophistication

All major permits are reviewed by two volunteer committees of experts. The Engineering Criteria Review Board looks at projects primarily for seismic safety, while the Design Review Board advises the commission on appearance and public access. The DRB's recommendations are not binding, but they carry great weight. A 1974 staff study found that 80 percent of the projects integrated the design committee's comments before final approval by the commission. Equally important, the commission sustained the board in rejecting those applications it had disapproved. "Most applicants are now sophisticated enough to know how we operate," says Roberts.

Perhaps this growing sophistication accounts for a surprising fact: The commission hasn't turned down a permit application for more than three years. In fact from 1969 through 1976, it denied just nine permits while granting 111.

BCDC's success can be measured statistically, in reduction of fill and increased shoreline areas now open to the public. But equally important, BCDC has gained the confidence of nearly everyone who has come into contact with it. Henry Bostwick Jr., executive vice president of the San Mateo County Development Commission, says he is impressed with the speed and process of application. But, he adds, "a man with an application who has not conformed to all the rules and regulations might not be so happy." Conservationists have also found it easy to work with BCDC.

But the commission still comes in for criticism, from friends as well as foes. People who can no longer develop their properties for maximum economic benefit complain long and loud about BCDC. Some inveterate opponents of regional government still oppose the commission. And conservationists sometimes feel that BCDC has become too lax in what they see as its primary responsibility: preserving the bay. The most recent conflict occurred in the Emeryville situation. Save the Bay was disturbed enough by the commission's action to consider suing to have the fill removed. It didn't, but the mere fact that a suit was contemplated indicates that BCDC doesn't always hew to the strict conservationist line. Business sees different problems. Angelo Siracusa, executive director of the Bay Area Council, a regional business organization, disagrees with the commission about mitigation. "If economic development is in the public interest, then mitigation is out of line. Either development is appropriate and mitigation is not necessary, or development is not appropriate."

The commission is not likely to change its direction by plunging toward all-out development or, for that matter, toward absolute restriction on bay fill. Unlike many regulatory commissions, BCDC has certain built-in stabilizers, including its size. It would take a major upheaval in public sentiment to alter the attitudes of a majority of the commission. Thirteen votes are needed to grant a permit, and 19 to pass plan amendments.

Watchdogs and constraints

BCDC's composition provides additional ballast against wild swings in direction. Just about every agency involved in decisions about the fate of the bay is a party to BCDC decisions. The Army Corps of Engineers and the federal Environmental Protection Agency have one member each. Four state agencies — including the State Lands Commission — are represented. Nine county supervisors and four city officials, appointed by the Association of Bay Area Governments, sit on the commission. So do seven representatives of the public, five appointed by the governor and one each by the Senate Rules Committee and the speaker of the Assembly. "With that broad a commission," says BCDC Chairman Joe Houghteling, "any change in attitude would be a long time coming."

The commission is under constant scrutiny. Save San Francisco Bay Association members attend all of its meetings. "We perform a watchdogging role," says McAdam. "Our members comment on permits and plans. We act as the conscience for the agency." Save the Bay and other conservation organizations maintain good relations with BCDC staff, allowing them to provide informal feedback on permit applications and reports. Business interests may not be in the audience at every meeting, but they too share a keen interest in commission actions. Individual developers appear on their own behalf when seeking permits and business spokesmen frequently testify at hearings on planning proposals.

BCDC is under another constraint. Since the Bay Plan went into effect, a sizeable chunk of bay land has been withdrawn from its control. Some has become park land. Point Pinole, a site originally marked for development, was bought by the East Bay Regional Park District. Other parts of the shoreline have been protected by legislation — the Suisun Marsh and the federal wildlife refuge in the South Bay are prime examples. And some land has been withdrawn from development by court action. The recently settled suit between Westbay Community Associates and the State of California confirmed the state's ownership over nearly three-fourths of the 10,000 disputed acres on the San Mateo coast. For all practical purposes this means that these areas will never be developed. The 2,300 acres confirmed in Westbay's ownership were declared to be "subject to the public trust." BCDC will thus have to approve any permits for development. The owners are now thinking of a marina development — a far cry from the massive housing and commercial projects originally proposed.

In the '60s the bay itself was shrinking. Now it is the amount of shoreline available for development that appears to be shrinking. A clear mandate from the Legislature, a broadly based commission, an intelligent staff, continuing scrutiny by interested citizens and a growing measure of environmental concern have contributed to the dramatic turn-around in land use patterns around the bay. It appears now that the BCDC balancing act has a long run ahead.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

California CAPSULES

Special grand jury empaneled to probe legislators, lobbyists

A special federal grand jury was ordered empaneled in Sacramento on April 4th to consider allegations of criminal acts by state legislators and lobbyists. United States District Court Judge Thomas J. MacBride ordered the 23-member jury formed at the request of U.S. Attorney Herman Sillas. The jury is expected to hear testimony emanating from a year-long FBI investigation into allegations that some past and present legislators traded votes for cash and other favors from lobbyists. Sillas would not say how long the investigation would take, what evidence would be presented or what indictments would be sought.

Investment service suspends ratings of tax-increment bonds

Moody's Investor Service on April 11th suspended its ratings of some $1.6 billion worth of California tax-allocation bonds issued by redevelopment agencies and other governmental entities. The firm said the Jarvis-Gann initiative cast a shadow on the bonds, which are retired on income from increases in property-tax revenues produced by the rehabilitation of property. If Proposition 13 is enacted, local government may not get the incremental revenue pledged to retire the bonds, and it is uncertain whether funds would be available to retire them. Moody's action made outstanding bonds less valuable and raised the interest rates communities issuing tax-increment bonds must pay. The other major rating firm, Standard and Poor's, said it would stand by its ratings.

Secretary of State approves circulation of four more petitions

Secretary of State March Fong Eu has announced that she has approved the circulation of petitions designed to qualify five measures for the ballot by initiative. The measures:

- *Nuclear Generation of Electric Power*, sponsored by State Senator Alfred E. Alquist, which would pave the way for construction of the Sundesert nuclear plant by making it subject only to federal approval.

- *Public Morals*, sponsored by former Lieutenant Governor John Harmer and James J. Clancy of Sun Valley, which would give local government power to abate a variety of so-called moral nuisances, including obscenity.

- *State Funding of Education*, sponsored by Richard Mudgett of Coronado, a candidate for superintendent of public instruction. The measure would require full state funding of public schools without any real-estate taxes by July 1st, 1981.

- *Pupil Transportation*, sponsored by former Congressman John G. Schmitz of Orange County, which would prohibit use of tax revenues to transport school children for racial integration purposes.

- *Blasphemy*, sponsored by Felix Samaniego of Banning, which would prohibit persons from distributing materials exposing Christian religious figures to contempt or ridicule.

Newsmakers

Open Sesame

The Supreme Court's decision to place the name of Superintendent of Public Instruction **Wilson Riles** on the ballot as a candidate for reelection opened the door for the addition of three more names to the June 6th primary ballot — **Mike Schaefer** of San Diego, Republican, 2nd District Board of Equalization; **Chris Patterakis** of Modesto, Republican, 15th Congressional District; **Tom Riise,** of Redwood City, Democrat, 20th Assembly District. In the Riles case, the court ruled, 5-2, that the schools chief had "substantially complied" with the state election laws, even though one document was missing.

In testimony before the House of Representatives' Ethics Committee, Korean businessman Tongsun Park said he had given $1,000 in cash to California Congressmen **Charles H. Wilson** and **Edward Roybal.** Neither had previously been named in connection with the Korean scandal . . . Congressman **Robert K. Dornan** of Los Angeles, who describes himself as a "mainstream Republican," fired his aide, **Vincent Ryan,** because Ryan had worked for the John Birch Society . . . **Xavier Mena,** controversial former assistant to state Health and Welfare Secretary Mario Obledo, left state service and returned to the federal Department of Labor . . . Former Congressman **Andrew J. Hinshaw** of Orange County was paroled after serving eight months of a 1-to-14-year sentence for accepting bribes and misappropriating public funds . . .

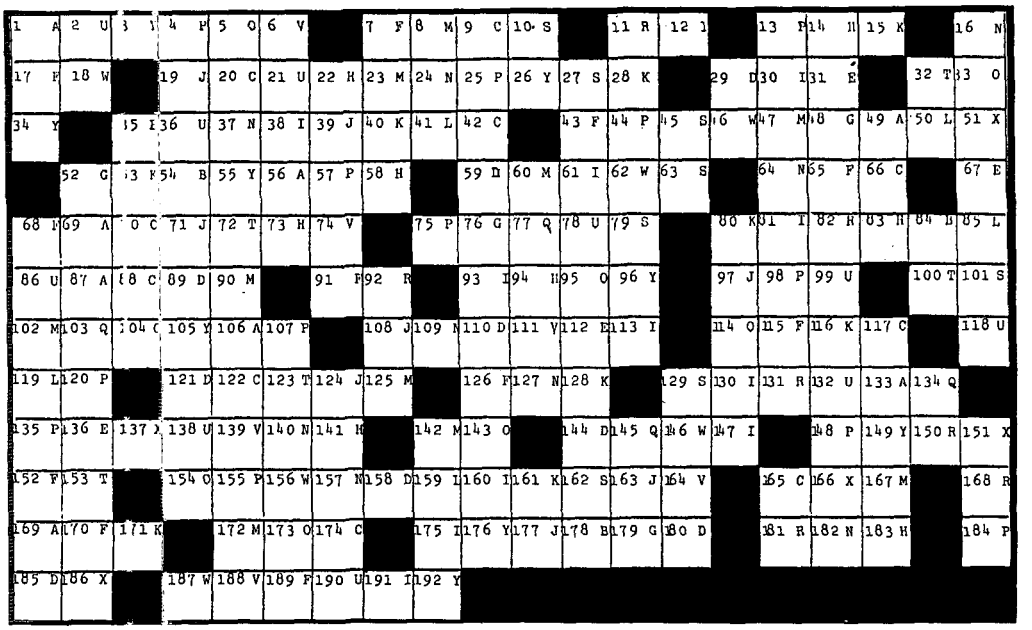
Governor Brown replaced controversial Health Department director **Jerome Lackner** with Deputy Finance Director **Edwin W. Beach** and insisted that Lackner wasn't fired. Brown said he simply wanted to start reorganizing the Health Department before July 1st, when it will be divided into several parts. At a press conference, Lackner declared: "Although I love the Governor dearly, there have been times when — and I'll talk to you people in health language — I have had the impulse to swiftly juxtapose the dorsum of my distal right extremity into the posterior spherosities encasing the gubernatorial ischial tuberosities". . . Brown also named the heads of the new departments: **Beverly A. Myers** of Maryland, health services; **Dale H. Farabee** of Kentucky, mental health; **Henry Zaretsky** of Carmichael, health planning and development; **Rita Saenz** of Sacramento, alcohol and drug abuse; **Marion Woods,** social services.

The state Fair Political Practices Commission dropped illegal-campaign practice charges against former San Francisco Supervisor **Robert Mendelsohn** as part of a negotiated settlement, which included a $5,000 fine by his campaign committee . . . Governor Brown announced that he will not extradite Indian leader **Dennis Banks** to South Dakota . . . The Governor also nominated one of his former legislative aides, state Public Defender **Paul Halvonik,** for the appellate court in San Francisco.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Political Double-Cross

by Alisa Belinkoff Katz



Instructions: Although this looks like a crossword puzzle, the words read only across, not up and down. The complete diagram spells out a quote about politics in California. Fill in the answers to the clues and transfer the letters to the corresponding spaces in the diagram. You may also work backwards, guessing at words in the diagram and transferring the letters to the clue spaces. The first letters of the clue answers, taken in order, spell out a description of the work from which the quote is taken. Most of the clues refer to the California political scene.

by Alisa Belinkoff Katz
© 1978 all rights reserved

CLUES

A. Hongisto's former employer. ____ ____ ____ ____
1 169 49 87

____ ____ ____ ____
133 56 106 69

B. Recent ruling: a juror needs good ____ ____. ____ ____ ____ ____
84 35 54 178

C. Person of no importance. ____ ____ ____
20 88 117

____ ____ ____ ____ ____ ____
174 42 122 9 66 165

D. What "Canyon," "South Bay," and "Peninsula" each seeks to be. ____ ____ ____
89 158 29

____ ____ ____ ____ ____ ____
59 121 185 180 110 144

E. Recent ruling: a juror doesn't need good ____ ____. ____ ____ ____ ____
136 31 112 67

F. Energy a la Brown: from windmills ____ ____. ____ ____ ____ ____ ____
91 17 126 65 189 152

____ ____ ____ ____ ____
68 115 170 43 7

G. Bubbles the ____ ____. ____ ____ ____ ____ ____
76 48 104 52 179

H. Court case over elections filing. ____ ____ ____ ____ ____
183 14 73 141 58

____ ____ ____
83 22 94

I. Mistakes and verities. ____ ____ ____ ____ ____ ____ and
12 113 147 81 38 175

____ ____ ____ ____ ____ ____
191 130 61 160 30 93

J. Location of "M", below. ____ ____
39 163

____ ____ ____ ____ ____ ____
71 19 177 108 97 124

K. See "H," above: Missing document: Declaration of ____ ____. ____ ____ ____ ____ ____
40 116 171 15 161

____ ____ ____ ____
28 53 80 128

L. Koreagate conviction. ____ ____ ____ ____ ____
119 41 159 85 50

M. Retribution for allowing women members: ____ed from ____. ____ ____ ____ ____ed from
60 167 90 47

____ ____ ____ ____ ____ ____
23 142 172 8 125 102

N. Anti-PLO demand: ____ Oscar for ____. ____ ____ ____ ____ ____
64 182 157 109 16

____ ____ ____ ____
37 140 24 127

O. Daryl Gates' new title. ____ ____ ____
114 173 5

____ ____ ____ ____ ____
154 33 95 70 143

P. Out-of-towners' contribution to L.A. Olympic bid: ____ ____ tax ____. ____ ____ ____ ____ ____
98 155 25 120 4

____ ____ ____
135 57 13

____ ____ ____ ____ ____
148 184 44 107 75

Q. Biblical land. ____ ____ ____ ____
77 134 145 103

R. Congressional Medal ____ ____. ____ ____
92 181

____ ____ ____ ____ ____
11 131 82 150 168

S. McCarthy on Jarvis-Gann: "The ____ Enrichment Act of 1978." ____ ____ ____ ____
45 129 27 63

____ ____ ____ ____
101 162 79 10

T. Young people. ____ ____ ____ ____ ____
153 100 72 32 123

U. San Francisco parking account. ____ ____ ____ ____ ____
36 2 118 99 190

____ ____ ____ ____ ____
138 132 21 78 86

V. Pill purveyor. ____ ____ ____ ____ ____ ____
188 139 164 111 74 6

W. Snub; affront. ____ ____ ____ ____ ____ ____
46 156 187 146 62 18

X. What to do with Ken Maddy's literature: ____ it in! ____ ____ ____ ____ ____
137 151 51 166 186

Y. Brown's skyborne communications idea. ____ ____ ____ ____ ____
192 26 96 176 3

____ ____ ____ ____
149 105 55 34

SOLUTION: A. Kucinich; B. Ears; C. Nonentity; D. New county; E. Eyes; F. To woodchips; G. Hippo; H. Riles v. Eu; I. Errors Truths; J. In Duarte; K. Candidacy; L. Hanna; M. Ousted from Rotary; N. No (Oscar for) Vanessa; O. The Chief; P. Hotel bed (tax) boost; Q. Edom; R. Of Honor; S. Landlord; T. Youth; U. Meter audit; V. Pusher; W. Insult; X. Color; Y. Satellite.

Kenneth Reich on the Olympics, Los Angeles Times, October 7, 1977: Keller said he did not understand why the American politica parties could not schedule their conventions to suit the Olympics rather than the other way around. "Because of your bloody conventions, you r in the season for our sports." (Thomas Keller, a Swiss citizen, is president of the International Sports Federations.)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Repeal of a property tax

Should repeal of the property tax on business inventories hinge on the defeat of the Jarvis-Gann amendment on the June 6th ballot? That was the question that delayed passage of a bill (AB 7x) that was supported in principle by almost every member of the Legislature. It also has been sought by California retail merchants for 15 years.

The bill, authored by Assemblyman Bill Lockyer of San Leandro, would phase out the inventory tax over the next five years. (Taxes are now paid on only half a firm's inventory.) The bank and corporation tax would climb over the next five years from 9 to 10.25 percent, making up most of the $500 million in revenue lost to local government each year. The plan would also cost the state about $25 million a year from the general fund.

A sledgehammer?

When the bill was debated on the Senate floor April 18th, there was no argument about the mechanics of the bill — only about a provision stating that it would not go into effect if Proposition 13 is approved. The theory, Lockyer explained, is that the state will be forced to undertake a massive revision of the tax structure if Jarvis-Gann goes into effect and it doesn't make any sense to put this proposal into operation under those circumstances. But Republicans argued that the prime purpose of the Proposition 13 provision is to "sledgehammer" the business community into contributing funds to the no-on-Jarvis campaign. The Senate roll call was 25-0, with all the votes coming from Democrats. A two-thirds vote of 27 was required for passage, and the Republicans simply refused to vote. Senator Jerry Smith, Upper House sponsor of the measure, obtained reconsideration for the bill and refused to delete the Proposition 13 clause. But business leaders let Republicans know in a hurry that they wanted the bill passed, and the Senate approved the measure two days later on a 30-2 roll call. Governor Brown promptly signed the bill into law.

Governor Brown has sought elimination of the inventory tax as a means of showing the business community that he is serious about improving the state's economic climate. Brown was also supporting legislation to abolish the so-called unitary method of taxation for multinational corporations. This was designed in part to encourage foreign firms to build plants in California.

But the unitary-tax repealer, by Assemblywoman Teresa Hughes, was sent to interim study by the Assembly Revenue and Taxation Committee after opponents presented two opposing views — that the tax break is good but should be extended to domestic corporations, that the tax break is bad and shouldn't be granted at all. The state now bases its taxation of a foreign firm on the worldwide activities of the firm. The Hughes bill would have restricted the state's reach to United States activities. There are other unitary-tax bills alive in the Legislature, but all will probably die unless there is a change of heart by the Assembly committee.

The death of Sundesert

Another Assembly panel, the Assembly Resources, Land Use and Energy Committee, killed a Senate-approved bill that would have cleared the way for the construction of the proposed $3 billion Sundesert nuclear power plant. The bill, opposed by the Brown Administration, would have overruled a decision by the state Energy Commission blocking construction of the plant. The committee majority expressed concern about the problem of waste storage and indicated support for a huge coal-fired power plant somewhere in the California desert. Meanwhile, the Senate started moving a bill to abolish the Energy Commission and turn over its powers to the State Public Utilities Commission.

Senate

BUSINESS

SB 1270 (Roberti) — Permits restaurants to serve oleomargarine instead of butter if patrons are notified on menus or wall signs. Passed 25-6.

AB 7x (Lockyer) — Phases out tax on business inventories and increases bank and corporation tax to make up most of the lost revenue. Defeated 25-0 (27 votes required).

MISCELLANEOUS

SCA 53 (Alquist) — Proposed constitutional amendment authorizing the Senate to fill Public Utilities Commission vacancies if the governor fails to do so. Passed 28-6.

AB 1902 (Knox) — Makes district attorney investigators eligible to receive training funds from the state Commission on Peace Officer Standards and Training. Defeated 21-12 (27 votes required).

SCA 36 (Stull) — Proposed constitutional amendment to change method of reapportioning legislative districts. Failed 14-23.

SB 1316 (Alquist) — Allows low-income persons 62 or older to receive free fishing licenses. Passed 27-3.

Assembly

MISCELLANEOUS

AB 2172 (Hughes) — Prohibits discrimination in the issuance of credit cards on the basis of geographical residence. Passed 54-11.

SB 1246 (Roberti) — Grants $50-a-day salary to members of the governing boards of the State University and Colleges and the California Community Colleges. Passed 47-25.

SB 535 (Campbell) — Establishes procedures for adopted persons and their natural parents to contact one another if agreeable to all parties. Passed 43-32.

SB 631 (Roberti) — Transfers responsibility for care of abused children from the probation to welfare departments. Failed 19-48.

AB 2093 (Rosenthal) — Permits landlords to invest tenant security deposits but requires that renters receive interest on these funds. Defeated 19-47.

AB 2137 (Knox) — Revises procedures governing annexation of territory by cities. Passed 54-13.

AB 2448 (Mori) — Authorizes $50 fine for smoking on trains of the Bay Area Rapid Transit District. Passed 48-22.

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-April. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

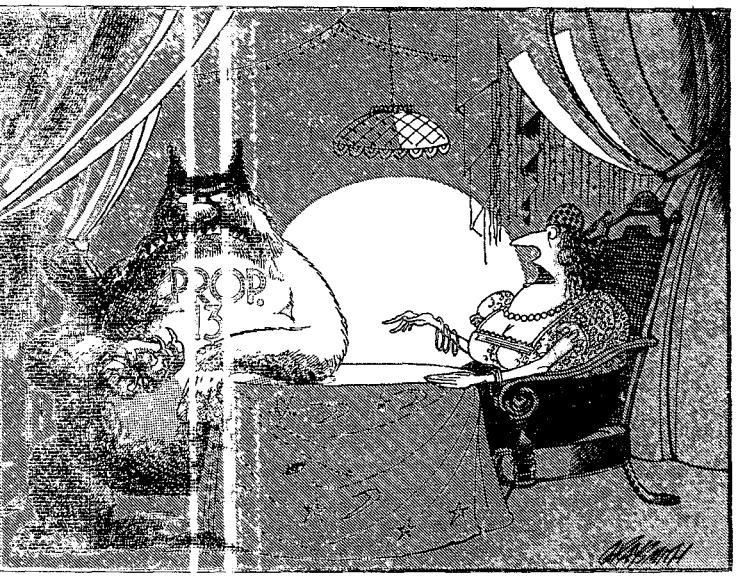
Y - Yes **N - No**
*** — Absent or not voting**

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (⅔ = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. (⅔ = 27 votes)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



'May I read your claw?'

Senate (26D, 14R)	SB 1270	AB 7x	SCA 53	AB 1902	SCA 36	SB 1316
Alquist (D)	N	Y	Y	Y	N	Y
Ayala (D)	Y	Y	Y	N	Y	Y
Behr (R)	Y	*	Y	Y	Y	*
Beverly (R)	Y	*	Y	Y	Y	Y
Briggs (R)	*	*	*	*	*	*
Campbell (R)	*	*	*	*	Y	*
Carpenter, D. (R)	*	*	*	N	Y	*
Carpenter, P. (D)	Y	Y	Y	N	N	Y
Cusanovich (R)	*	*	*	N	N	*
Deukmejian (R)	*	*	N	N	N	Y
Dills (D)	N	Y	Y	Y	N	Y
Dunlap (D)	Y	Y	Y	Y	Y	Y
Foran (D)	Y	Y	Y	N	N	*
Garamendi (D)	N	Y	Y	Y	Y	Y
Garcia (D)	Y	Y	Y	N	N	Y
Greene (D)	*	Y	Y	Y	N	Y
Gregorio (D)	Y	Y	Y	Y	Y	N
Holden (D)	Y	*	Y	Y	Y	Y
Holmdahl (D)	Y	Y	Y	*	N	Y
Johnson (R)	*	*	Y	Y	N	Y
Marks (R)	Y	*	N	Y	N	Y
Mills (D)	Y	Y	Y	Y	N	Y
Nejedly (R)	Y	*	Y	Y	N	*
Nimmo (R)	N	*	Y	*	Y	Y
Petris (D)	Y	Y	Y	*	N	Y
Presley (D)	Y	Y	N	N	N	Y
Rains (D)	Y	Y	Y	Y	Y	Y
Richardson (R)	Y	*	Y	*	Y	N
Robbins (D)	*	Y	*	*	*	*
Roberti (D)	Y	Y	Y	Y	N	Y
Rodda (D)	Y	Y	Y	Y	N	Y
Russell (R)	Y	*	Y	N	*	*
Sieroty (D)	Y	Y	N	Y	Y	Y
Smith (D)	Y	Y	*	Y	N	Y
Song (D)	*	Y	Y	Y	N	Y
Stiern (D)	Y	Y	N	N	N	N
Stull (R)	Y	*	Y	N	Y	Y
Vuich (D)	N	Y	N	N	N	Y
Wilson (D)	Y	Y	Y	Y	N	Y
Zenovich (D)	N	Y	Y	Y	N	*

Assembly (57D, 23R)	AB 2172	SB 1246	SB 535	SB 631	AB 2093	AB 2137	AB 2448
Agnos (D)	Y	Y	Y	Y	Y	Y	Y
Alatorre (D)	Y	Y	Y	Y	Y	Y	N
Antonovich (R)	*	Y	N	*	*	N	*
Arnett (R)	Y	Y	Y	N	*	Y	N
Bane (D)	N	Y	N	N	Y	N	Y
Bannai (R)	*	N	N	Y	N	Y	N
Bates (D)	Y	Y	Y	Y	Y	Y	Y
Berman (D)	Y	Y	Y	Y	Y	Y	N
Boatwright (D)	*	Y	N	N	N	*	Y
Brown (D)	*	*	*	*	*	*	*
Calvo (D)	Y	Y	Y	N	*	*	Y
Chacon (D)	Y	N	Y	N	N	Y	*
Chappie (R)	*	N	*	N	*	Y	N
Chel (D)	Y	*	Y	N	*	N	*
Chimbole (D)	Y	N	*	N	N	Y	N
Cline (R)	Y	N	Y	N	N	Y	Y
Collier (R)	N	*	N	N	*	Y	*
Cordova (D)	N	N	Y	N	N	N	N
Craven (R)	Y	Y	N	N	*	*	*
Cullen (D)	Y	*	N	N	Y	N	*
Dannemeyer (R)	N	N	N	N	N	Y	*
Deddeh (D)	Y	N	N	N	N	Y	*
Dixon (D)	*	Y	Y	Y	*	Y	N
Duffy (R)	N	Y	N	N	N	Y	*
Egeland (D)	Y	Y	Y	N	N	N	Y
Ellis (R)	Y	Y	Y	N	N	Y	Y
Fazio (D)	Y	N	Y	N	N	Y	Y
Fenton (D)	Y	N	Y	N	Y	Y	Y
Gage (D)	Y	Y	Y	Y	Y	Y	Y
Goggin (D)	Y	Y	Y	*	*	*	Y
Greene (D)	Y	Y	Y	*	*	Y	*
Gualco (D)	Y	Y	N	*	Y	N	Y
Hallett (R)	N	N	Y	N	*	Y	*
Hart (D)	Y	Y	Y	*	Y	Y	Y
Hayden (R)	*	*	N	N	N	Y	*
Hughes (D)	Y	Y	Y	Y	Y	Y	Y
Imbrecht (R)	Y	N	Y	N	N	Y	Y
Ingalls (D)	*	N	N	N	Y	Y	*
Kapiloff (D)	Y	Y	*	N	Y	Y	Y
Keene (D)	Y	Y	Y	N	N	Y	Y
Keysor (D)	Y	Y	N	*	N	*	Y
Knox (D)	Y	Y	N	Y	Y	Y	N
Lancaster (R)	N	N	N	N	*	Y	*
Lanterman (R)	*	Y	N	Y	*	N	Y
Lehman (D)	Y	N	Y	N	N	Y	Y
Levine (D)	Y	*	Y	Y	Y	Y	*
Lewis (R)	N	N	N	N	*	N	*
Lockyer (D)	Y	Y	Y	Y	*	Y	Y
Maddy (R)	*	*	Y	N	N	Y	N
Mangers (D)	*	N	Y	N	N	Y	N
McAlister (D)	Y	Y	N	N	N	N	Y
McCarthy (D)	Y	Y	Y	*	Y	Y	*
McVittie (D)	Y	Y	Y	N	N	Y	Y
Mello (D)	Y	Y	Y	*	N	Y	Y
Miller (D)	Y	Y	N	Y	*	Y	Y
Montoya (D)	Y	Y	N	N	N	N	N
Mori (D)	*	N	N	*	N	Y	Y
Nestande (R)	Y	N	N	N	N	Y	Y
Papan (D)	N	Y	N	*	N	*	N
Perino (D)	Y	N	N	N	N	Y	N
Priolo (R)	*	N	Y	N	N	Y	Y
Robinson (D)	Y	Y	N	N	N	Y	*
Roos (D)	Y	Y	Y	Y	N	Y	N
Rosenthal (D)	Y	Y	Y	*	Y	Y	Y
Ryan (R)	Y	Y	Y	N	N	Y	N
Statham (R)	N	Y	Y	N	N	Y	Y
Stirling (R)	N	N	Y	N	N	N	Y
Suitt (D)	*	Y	N	N	N	Y	Y
Thomas, V. (D)	*	Y	N	*	N	*	*
Thomas, W. (R)	Y	N	Y	N	N	Y	Y
Thurman (D)	Y	N	N	N	N	Y	N
Torres (D)	Y	Y	*	Y	Y	Y	N
Tucker (D)	Y	N	Y	N	Y	Y	Y
Vasconcellos (D)	Y	Y	Y	N	Y	*	N
Vincencia (D)	Y	Y	N	Y	*	Y	N
Waters, M. (D)	Y	Y	Y	Y	Y	Y	Y
Waters, N. (D)	Y	*	N	N	N	Y	Y
Wornum (D)	Y	Y	Y	N	N	Y	Y
Wray (D)	Y	Y	Y	Y	*	Y	Y
Young (D)	Y	N	Y	N	N	Y	Y

SIGNIFICANT COURT ACTIONS

Hitting a solid wall

Candidates for the Oakland police force are required, among other things, to scale a six-foot wall. This results in 85 percent of male candidates passing the physical-agility test but only 15 percent of women candidates. In a 5-1 decision, the state Supreme Court ruled in *Hardy v. Stumpf* that the disproportionate rejection of females does not constitute sex discrimination because the requirement is "reasonably related to the duties of Oakland police officers." The majority decision was written by Justice William P. Clark, and the lone dissenter was Justice Mathew Tobriner.

Tobriner said the Oakland test is discriminatory because Oakland has never required all of its current employees to take the test and has even retained some officers who, like plaintiff Veragene Hardy, failed to scale the wall in two tries. He said that the wall test may be inappropriate because it is a skill that can be acquired.

The right of self-defense

In a unanimous decision, the Supreme Court ruled that a criminal defendant's right to act as his or her own lawyer can be terminated only for in-court misconduct. In *Ferrel v. Superior Court,* Justice Wiley W. Manuel wrote that the right of Alejandro Ramirez Ferrel, charged with robbery and rape, should not have been assigned a public defender because he had violated several jail rules.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CHARTING THE LEGISLATURE

The following bills, listed in past issues, have not changed status: AB 6x, 52, 291, 1644, 1752, 1896, 1900; 2173, 2190, 2361, 2475, ACA 55, ACA 77, SB 4x, 111, 193, 346, 1057, 1313, 1342, 1355, 1368, 1569, 1702, SCA 23, SCA 52, SCA 55.

SUBJECT	BILLS	DESCRIPTION	STATUS
AFFIRMATIVE ACTION	ACA 68 (Statham)	Proposed constitutional amendment prohibiting reverse discrimination and the use of quotas in employment and school admissions.	*Defeated by Assembly Education Subcommittee on Postsecondary Education.*
AUTOMOBILE INSURANCE	AB 2255 (McAlister) AB 2678 (Torres)	Enact a system of no-fault automobile insurance.	*Assembly Finance, Insurance and Commerce Committee approved AB 2255 and defeated AB 2678.*
BUSINESS TAXES	AB 7x (Lockyer)	Phases out business inventory tax over five-year period, effective upon the defeat of Proposition 13 on the June primary ballot.	*Signed into law.*
COURTS	SB 1362 (Smith)	Provides for the mandatory submission of certain civil actions to arbitration.	*Passed Senate Judiciary Committee; to Finance Committee.*
CRIMINAL JUSTICE	SB 709 (Presley)	Revises Uniform Determinate Sentence Act to lengthen prison terms for specified offenses.	*Assembly Criminal Justice Committee.*
DRUNK DRIVING	AB 3528 (Vasconcellos)	Makes it unlawful for any person to drive with a blood alcohol level of .08%.	*Assembly Criminal Justice Committee.*
EMPLOYEES	AB 2858 (Agnos) SB 2053 (Marks)	Both measures prohibit discrimination in employment on the basis of an employee's refusal to grant sexual favors. SB 2053 prohibits employment discrimination based on a person's sexual orientation.	*AB 2858 was passed by the Assembly Labor, Employment and Consumer Affairs Committee to the Ways and Means Committee. SB 2053 is in the Senate Industrial Relations Committee.*
ENERGY	SB 1767, 1832-1836, 1859, 1930 (Alquist) and many other bills.	These measures revise requirements for power plant certification and construction and alternative energy production facilities, and enact provisions relating to the forecasting of energy supplies and the conservation of energy resources.	*SB 1834 is in the Senate Agriculture and Water Resources Committee. All other Senate bills are pending in the Public Utilities, Transit and Energy Committee. Assembly bills are in the Finance, Insurance and Commerce Committee and Resources, Land Use and Energy Committee.*
HOUSING	SB 1688 (Roberti)	Prohibits discrimination against persons on the basis of age in the rental of housing accommodations.	*Senate Governmental Organization Committee.*
	AB 2979, 2998-3001 (Roos)	Authorizes the issuance of up to $300 million in bonds for the expansion of the housing market and $200 million in revenue bonds for a state rental subsidy program. Revises state housing policies.	*Assembly Housing and Community Development Committee.*
JUDGES	ACA 32 (Dannemeyer)	Proposed constitutional amendment requiring Senate confirmation of the Governor's appointments to the state supreme court and courts of appeal.	*Defeated by Assembly Judiciary Committee.*
NEWS REPORTERS	ACA 4 (Lewis)	Proposed constitutional amendment prohibits a news reporter from being held in contempt of court for refusing to disclose the source of any news story.	*On Senate floor.*
NUCLEAR POWER	SB 1015 (Russell)	SB 1015 would permit construction of the proposed Sundesert nuclear power plant in Southern California by exempting it from state nuclear safety laws.	*Defeated by the Assembly Resources, Land Use and Energy Committee.*
RAPE	SB 1837-1845 SCA 62 (Richardson)	SB 1837-1845 and SCA 62 increase terms for convicted rapists and sex offenders, revise judicial procedures for prosecuting rape and sexual-offense cases, and change the criteria for granting bail to accused sex offenders.	*Senate Judiciary Committee.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

By Leo Rennert

Jarvis-Gann along the Potomac

Without waiting for California's June verdict, Washington has caught Jarvis-Gann fever. The federal strain may be slightly different. Instead of a ballot initiative to reduce property taxes, the congressional agenda is pocked with moves to roll back Social Security payroll-tax hikes and to provide billion-dollar tax breaks to parents saddled with rising tuition payments for their offspring. But the basic political symptoms are the same as in California. Elected officials have suddenly recognized that a taxpayers' revolt is gathering force and the stampede is on.

NOWHERE WAS THIS MORE dramatically demonstrated than in the panicky vote in the House Democratic Caucus to reverse steep increases in Social Security taxes. To quiet fears of elderly pensioners that the system might go bankrupt, Congress had approved the higher levies only last December. But within a few months, the political climate changed completely. Lawmakers are falling all over themselves to undo this spring what they wrought last fall when they enacted a $227 billion increase in payroll taxes for the next 10 years. House Democrats voted for the increase by a better than 3-to-1 margin, 174 to 54. Their caucus vote to reverse course was almost as lopsided, 150 to 57.

Republicans, who have complained about rising taxes for years, are only too happy to welcome Democratic converts to the growing ranks of tax-chopping advocates. The turnabout on the Democratic side of the aisle has been particularly striking within the California delegation. Last fall, only two of the 29 Democrats in the delegation — John Burton and Charles Wilson — voted against the Social Security tax-hike bill. Last month, Californians marched to the new anti-tax music and made a 180-degree turn. Only four of the 29 — John McFall, James Corman, George Brown and Lionel Van Deerlin — stood up in the caucus and voted against the rollback resolution.

To sort out the many factors behind the rollback movement is not a simple affair. Democratic liberals have been pushing since the 1930s for less reliance on "regressive" payroll taxes and partial use of "progressive" income taxes to finance Social Security. But these arguments, by themselves, never carried the day. The revolt against higher payroll taxes gathered steam only when white-collar professionals began to feel the pinch as the taxable income base spurted upward. This group, in the $20,000-and-up bracket, knows how to pull political levers; and since most Washington journalists are part of it, there has been no lack of media attention. Protests from this quarter easily hit the mark as the Democratic Party moved more to the center and began an active courtship of the middle class. Also, many of the new Democrats elected since Watergate come from marginal districts, and they respond quickly to changing grassroots sentiments. Advocates of a Social Security tax rollback played effectively on their jitters.

The story of the sudden popularity of tuition tax-relief bills is much the same. The question now is not so much whether such legislation will be enacted but whether it will encompass tuition credits for education at all levels or limit new tax benefits to college costs. Again, this is not a new idea. Republicans have thrown tuition-credit bills into the hopper for years. What is new is the big number of Democrats who are climbing on the bandwagon.

The White House has been cast in the role of defender of the status quo as it battles, with little success, against the Social Security tax-rollback and tuition tax-credit tide. Democratic leaders on Capitol Hill are being outflanked by their own troops. It's a sight to gladden Ronald Reagan's heart. During his eight years as governor, he repeatedly talked about starting a tax-reduction movement in California that would sweep the country like a prairie fire. It didn't happen during Reagan's days; he actually raised taxes more than any other California governor. But his dream now is beginning to turn into reality — under Democratic auspices.

WHILE THIS MAY BE AN IRONIC TWIST, it is by no means a fortuitous coincidence. Both Jerry Brown and Jimmy Carter have taken the Democratic Party away from its old faith in government as the chief engine of social change and economic progress. Not only did they campaign against government to get where they are now; but since taking office, they have constantly questioned how much government can and should do. It really should not be too surprising then that growing numbers of Democratic voters — entreated by their own leaders to lower their expectations about public-sector performance — see little point in paying high taxes. Democrats had an easier time defending taxes when Lyndon Johnson pushed for his Great Society or when an ebullient Pat Brown was not afraid to build hospitals, colleges and water projects on a grand scale. But as fiscal conservatives, Carter and Jerry Brown don't believe in ambitious tasks for government. The initiatives they advocate — in energy, health care, space exploration or help for the cities — are quite modest. Carter brushed aside any notion of a "Marshall Plan" for distressed urban areas. And Brown's enthusiasm for space translates into a bargain-basement communications hookup aboard a satellite. If that's all government can or will do, why pay for it?

Jarvis-Gann and its Potomac variations are not isolated, freak developments. They are the logical result of the politics of skepticism and impotence. The "era of limits" has reached the tax code.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Only from the California Journal Press can you get

- The inside story of Brown's media manipulation
- A California political history that's all play and no work
- The Jerry Brown bedside companion
- A critical examination of the post-Watergate press
- The California fact book that belongs on every desk
- And the least erotic California sex book ever written

The most convenient and least expensive way to develop a useful bookshelf on California government, politics and the press is to take advantage of special book offers from the *California Journal Press*. Each month, the *Journal* makes a variety of books available to its readers, some at discount prices. The current selection:

An indictment of the industry that helped Brown hide the 1974 gubernatorial campaign: **Phantom Politics: Campaigning in California,** by Mary Ellen Leary, a 191-page paperback book describing media coverage of California politics. Price: $6.31, including tax.

A great gift that entertains as it informs: **The Cartoon History of California Politics,** by Ed Salzman and Ann Leigh Brown, a new 156-page book containing more than 100 drawings illustrating California's fascinating political history. Price: $5.25, including tax.

The Whole Brown Catalog: **Jerry Brown: High Priest and Low Politician,** by Ed Salzman, with cartoons and photos. Price: $3.13, including tax.

A thoughtful analysis of contemporary problems in the press: **Reporting: An Inside View,** by Lou Cannon, a 320-page book by the *Journal's* long-time Washington columnist. Hardback, $10.55; softbound, $5.25, including tax.

The essential reference volume on California government and politics: **California Journal Almanac of State Government and Politics, 1977-1978 edition,** compiled by Ed Salzman, editor of the *California Journal*. Price: $4.19, including tax.

The book that tells all about California sex laws without the slightest hint of titillation: **Sex Code of California,** prepared by Planned Parenthood Affiliates of California. Price: $5.25, including tax.

Postage and handling are free on prepaid, Visa or Master Charge orders. Send orders to the *California Journal Press*, 1617 10th St., Sacramento, 95814.

Leadership is the ability to get men to do what they don't want to do and like it.

– Harry Truman

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED